

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Domestic Violence, Crime and Victims Act 2004, SCHEDULE 12 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 12

Section 59

TRANSITIONAL AND TRANSITORY PROVISIONS

- 1 (1) Section 1 and paragraphs 37 to 39 of Schedule 10 apply only in relation to conduct occurring on or after the commencement of that section.
- (2) In relation to an offence committed before [F12 May 2022], the reference to [F2the general limit in a magistrates' court] in subsection (5)(b) of section 42A of the Family Law Act 1996 (inserted by section 1 of this Act) is to be read as a reference to six months.

Textual Amendments

- F1** Words in Sch. 12 para. 1(2) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), Sch. Pt. 1
- F2** Words in Sch. 12 para. 1(2) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), Sch. Pt. 1

- 2 In section 5, the reference in subsection (1)(a) to an unlawful act does not include an act that (or so much of an act as) occurs before the commencement of that section.

PROSPECTIVE

- 3 (1) This paragraph has effect, in relation to any time before the commencement of the repeal (by paragraph 51 of Schedule 3 to the Criminal Justice Act 2003) of section 6 of the Magistrates' Courts Act 1980 (c. 43), where—
 - (a) a magistrates' court is considering under subsection (1) of that section whether to commit a person (“the accused”) for trial for an offence of murder or manslaughter, and
 - (b) the accused is charged in the same proceedings with an offence under section 5 above in respect of the same death.
 - (2) If there is sufficient evidence to put the accused on trial by jury for the offence under section 5, there is deemed to be sufficient evidence to put him on trial by jury for the offence of murder or manslaughter.
- 4 Section 10 applies only in relation to offences committed on or after the commencement of that section.

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Commencement Information

II Sch. 12 para. 4 partly in force; para. 4 not in force at Royal Assent see s. 60; para. 4 in force for certain purposes at 1.7.2005 by [S.I. 2005/1705](#), [art. 2\(h\)](#)

- 5 (1) Section 12(1) and paragraphs 43(3) and 48 of Schedule 10 do not apply where the conviction occurs before the commencement of those provisions.
- (2) Section 12(2) applies only in relation to applications made on or after the commencement of that provision.
- (3) Section 12(4) and paragraphs 43(2) and 44 of Schedule 10 do not apply where the acquittal (or, where subsection (5) of the inserted section 5A applies, the allowing of the appeal) occurs before the commencement of those provisions.
- 6 (1) Section 13(1) and paragraph 47(3) of Schedule 10 do not apply where the conviction occurs before the commencement of those provisions.
- (2) Section 13(2) applies only in relation to applications made on or after the commencement of that provision.
- (3) Section 13(4) and paragraph 47(2) of Schedule 10 do not apply where the acquittal (or, where paragraph (5) of the inserted Article 7A applies, the allowing of the appeal) occurs before the commencement of those provisions.

F37

Textual Amendments

F3 Sch. 12 para. 7 repealed (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 (see also [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1, 5\(2\)\(3\)](#))

- 8 (1) The provisions mentioned in sub-paragraph (2) do not apply—
 - (a) in relation to proceedings before the Crown Court or a court-martial, where the accused was arraigned before the commencement of those provisions;
 - (b) in relation to proceedings before the Court of Appeal or the Courts-Martial Appeal Court, where the hearing of the appeal began before that commencement.
- (2) The provisions are—
 - (a) sections 22 and 23;
 - (b) section 24 and Schedule 2;
 - (c) section 26 and Schedule 3;
 - (d) paragraphs 5, 6, 8, 17 to 21, 45, 60 and 61 of Schedule 10
- 9 The Schedule inserted by Schedule 2 has effect in relation to any time before the commencement of sections 8 and 37 of the Courts Act 2003 (c. 39)—
 - (a) as if a reference to a local justice area were to a petty sessions area;
 - (b) as if a reference to a designated officer were to a justices' chief executive.

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PROSPECTIVE

10 Each entry in Schedule 11 applies in the same way as the provision of this Act to which it corresponds.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 9 para. 26A inserted by [2015 c. 2 Sch. 3 para. 12](#)