STATUTORY INSTRUMENTS

2005 No. 1267 (C. 57)

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice Act 2003 (Commencement No. 9) Order 2005

Made - - - - 3rd May 2005

The Secretary of State, in exercise of the powers conferred upon him by section 336(3) and (4) of the Criminal Justice Act 2003(**1**) hereby makes the following Order:

1.—(1) This Order may be cited as the Criminal Justice Act 2003 (Commencement No. 9) Order 2005.

(2) In this Order–

(a) "the 2003 Act" means the Criminal Justice Act 2003; and

(b) "the 1998 Act" means the Crime and Disorder Act 1998(**2**).

2.—(1) The provisions of the 2003 Act specified in paragraph (2) shall come into force on 9th May 2005.

(2) The provisions referred to in paragraph (1) are–

(a) in relation to cases sent for trial under sections 51 or 51A(3)(d) of the 1998 Act(**3**) (sending cases to the Crown Court), the provisions specified in Part 1 of the Schedule to this Order;

(b) in relation to cases sent for trial under section 51A(3)(d) of the 1998 Act, the provisions specified in Part 2 of the Schedule to this Order; and

(c) in relation to cases committed for sentence under section 3C of the Powers of Criminal Courts (Sentencing) Act 2000(**4**) (committal for sentence of dangerous young offenders), paragraphs 75(1) and (3) of Schedule 3 (Proceeds of Crime Act 2002(**5**)).

(**1**) 2003 c. 44.
(**2**) 1998 c. 37.
(**3**) Section 51A is inserted by paragraph 18 of Schedule 3 to the 2003 Act.
(**4**) 2000 c. 6; section 3C is inserted by paragraph 23 of Schedule 3 to the 2003 Act.
(**5**) 2002 c. 29.

Home Office
3rd May 2005

Scotland of Asthal, Q.C.
Minister of State

SCHEDULE Article 2

PROVISIONS OF THE CRIMINAL JUSTICE ACT 2003 COMING INTO FORCE ON 9TH MAY 2005

PART 1

Commencement of provisions in relation to cases sent for trial under section 51 or 51A(3)(d) of the 1998 Act

1.—(1) The following paragraphs of Schedule 3 (allocation of cases triable either way and sending cases to the Crown Court)–

(a) paragraph 33 (Children and Young Persons Act 1933 (c. 12));

(b) paragraph 34(1), (2)(e) and (3) (Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36));

(c) paragraph 35(1) and (2) (Criminal Justice Act 1948 (c. 58));

(d) paragraph 36 (Prison Act 1952 (c. 52));

(e) paragraph 39 (Geneva Conventions Act 1957 (c. 52));

(f) paragraph 44(1) and (2) (Criminal Appeal Act 1968 (c. 19));

(g) paragraph 48(1), (3)(a), (3)(b)(i), (4) and (5) (Bail Act 1976 (c. 63));

(h) paragraph 49 in so far as it inserts an entry "sent for trial" in Schedule 1 to the Interpretation Act 1978 (c. 30);

(i) paragraph 51(1), (2), (5) and (8) (Magistrates' Courts Act 1980 (c. 43));

(j) paragraph 54(1), (3)(a), (3)(b), (3)(c) and (4) (Supreme Court Act 1981 (c. 54));

(k) paragraph 55(1) and (3) (Mental Health Act 1983 (c. 20));

(l) paragraph 56(1) and (2)(b) (Police and Criminal Evidence Act 1984 (c. 60));

(m) paragraph 57(1), (2), (3)(b)(i), (4), (5)(b) and (7)(a) (Prosecution of Offences Act 1985 (c. 23));

(n) paragraph 59 (Coroners Act 1988 (c. 13));

(o) paragraph 63 (Sexual Offences (Amendment) Act 1992 (c. 34));

(p) paragraph 64(1), (2)(b), (3)(b) and (4)(b) (Criminal Justice and Public Order Act 1994 (c. 33));

(q) paragraph 66(1), (2)(b), (6)(a) and (7) (Criminal Procedure and Investigations Act 1996 (c. 25)); and

(r) paragraph 74(1), (2) and (5) (Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)).

(2) The following entries in Part 4 of Schedule 37 (repeals)–

(a) the entry relating to section 23A(1)(b) of the Prosecution of Offences Act 1985 (c. 23); and

(b) the entry relating to section 1(2)(cc) of the Criminal Procedure and Investigations Act 1996 (c. 25)).

PART 2

Commencement of provisions in relation to cases sent for trial under section 51A(3)(d) of the 1998 Act

2. The following paragraphs of Schedule 3 (allocation of cases triable either way and sending cases to the Crown Court)–

(a) paragraph 34(2)(a) and (2)(c)(i) (Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36));

(b) paragraph 42 in so far as it substitutes section 2(4) of the Criminal Procedure (Attendance of Witnesses) Act 1965 (c. 69) (issue of witness summons on application to Crown Court);

(c) paragraph 48(2)(a)(i) (Bail Act 1976 (c. 63));

(d) paragraph 54(5)(a)(i)(b) (Supreme Court Act 1981 (c. 54));

(e) paragraph 57(5)(a), (6) and (7)(b) (Prosecution of Offences Act 1985 (c. 23));

(f) paragraph 60(1) and (7)(b) (Criminal Justice Act 1988 (c. 33));

(g) paragraph 66(3)(c) (Criminal Procedure and Investigations Act 1996 (c. 25));

(h) paragraphs 68 and 69 of (the 1998 Act);

(i) paragraph 73(1) and (3)(b) (Youth Justice and Criminal Evidence Act 1999 (c. 23)); and

(j) paragraph 74(3)(b) and (4)(b) (Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 9th May 2005 provisions of the Criminal Justice Act 2003 which relate to the sending of persons to the Crown Court for trial under sections 51 or 51A(3)(d) of the Crime and Disorder Act 1998 and the committal of dangerous young offenders to the Crown Court for sentence under section 3C of the Powers of Criminal Courts (Sentencing) Act 2000.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provision	*Date of Commencement*	*S.I. No.*
Sections 1, 2, 4, 6 to 8, 11 and 12 and Schedule 1 (amendments of Police and Criminal Evidence Act 1984)	20.1.2004	2004/81
Section 3 (arrestable offences)	29.1.2004	2004/81
Section 5 (partially) (drug testing for under-eighteens)	1.8.2004	2004/1867

Provision	*Date of Commencement*	*S.I. No.*
Section 9 (taking fingerprints without consent)	5.4.2004	2004/829
Section 10 (taking non-intimate samples without consent)	5.4.2004	2004/829
Sections 13, 15(3), 16, 17, 18, 19 to 21 (bail)	5.4.2004	2004/829
	4.4.2005	2005/950
Sections 22 to 24 (conditional cautions)	3.7.2004	2004/1629
Section 25 (conditional cautions, code of practice)	29.1.2004	2004/81
Sections 26 and 27 (partially) (conditional cautions)	3.7.2004	2004/1629
Section 28 and Schedule 2 (partially) and section 31 (charging etc)	29.1.2004	2004/81
	3.7.2004	2004/1629
Sections 32, 33(3), 36 to 38 and 39 (disclosure) as to England and Wales	4.4.2005	2005/950
Section 40 (code of practice for police interviews of witnesses notified by accused)	5.4.2004	2004/829
Section 41 (allocation of offences triable either way) and Schedule 3 (partially)	4.4.2005	2005/950
Section 42 (mode of trial for certain firearms offences: transitory arrangements	22.1.2004	2004/81
Section 49 (rules of court)	29.1.2004	2004/81
Section 55 (rules of court)	29.1.2004	2004/81
Sections 57 to 61, 67 to 72, 73 and 74 (prosecution appeals)	29.1.2004	2004/81
	4.4.2005	2005/950
Sections 75 to 92, 93, 94, 95 and Parts 1 and 3 of Schedule 5 (retrial for serious offences)	29.1.2004	2004/81
	4.4.2005	2005/950
Section 97 (application of Criminal Appeal Acts)	7.3.2005	2005/373
Sections 98 to 113 and Schedule 6 (evidence of bad character)	29.1.2004, 15.12.2004, 1.1.2005	2004/81
		2004/3033

Provision	*Date of Commencement*	*S.I. No.*
Sections 114 to 136 (hearsay evidence)and Schedule 7 (hearsay evidence:armed forces)	29.1.2004	2004/81
	4.4.2005	2005/950
Section 139 to 141 (use of documents to refresh memory)	5.4.2004	2004/829
Sections 142 to 150, 152, 153, 156 to 160; 162 to 166.	7.3.2005	2005/373
	4.4.2005	2005/950
Sections 167 and 168 (partially) and 169 to 173 (sentencing and allocation guidelines)	27.2.2004	2004/829
Section 174 (duty to give reasons for, and explain effect of, sentence)	5.4.2004	2004/829
	4.4.2005	2005/950
Section 175 (duty to publish information about sentencing)	4.4.2005	2005/950
Section 176 (interpretation of Chapter 1)	5.4.2004	2004/829
Sections 177, 179 and 180 (community orders); Schedule 8 (breach, revocation or amendment of community order) and Schedule 9 (transfer of community orders to Scotland or Northern Ireland) (partially)	4.4.2005	2005/950
Section 178 (power to provide for court review of community orders)	7.3.2005	2005/373
Sections 182 to 187 and Schedule 10 (prison sentences of less than 12 months) (partially)	26.1.2004	2003/3282
Sections 189 to 194 (suspended sentences); Schedule 12 (breach or amendment of suspended sentence order and effect of further conviction) and Schedule 13 (transfer of suspended sentence orders to Scotland or Northern Ireland).	4.4.2005	2005/950
Sections 195, 196 (partially), 197 to 203, 204 (partially) 205	26.1.2004	2003/3282

Provision	*Date of Commencement*	*S.I. No.*
to 212. 213 (partially), 214, 215, 216 (partially), 217 to 220 and Schedule 14, and sections 221 to 223 (further provisions about orders under Chapters 2 and 3)	7.3.2005 4.4.2005	2005/373 2005/950
Sections 224 to 236 (dangerous offenders); Schedule 15 (specified offences for the purposes of Chapter 5 of Part 12); Schedule 16 (Scottish offences specified for the purposes of section 229(4); Schedule 17 (Northern Ireland offences specified for the purposes of section 229(4) and Schedule 18 (release of prisoners serving sentences of imprisonment or detention for public protection)	4.4.2005	2005/950
Sections 237 to 239, 240 to 243, 244 and 245 (partially), 246 to 249, 250 and 251 (partially), 252 to 256, 257 (partially), 258 to 261, 263, 264 (partially), 265, 267 and 268 (release on lience) and Schedule 19 (parole board: supplementary provisions)	26.1.2004 7.3.2005 4.4.2005	2003/3282 2005/373 2005/950
Section 262 and Schedule 20 (prisoners liable to removal from the United Kingdom: modifications of Criminal Justice Act 1991)	14.6.2004	2004/829
Section 278 and Schedule 23 (deferment of sentence)	4.4.2005	2005/950
Section 279 and Schedule 24 (drug treatment and testing requirement in action plan order or supervision order) (partially)	1.12.2004	2004/3033
Section 284 and Schedule 28 (increase in penalties for drug-related offences)	29.1.2004	2004/81
Section 285 (increase in penalties for certain driving-related offences)	27.2.2004	2004/81

Provision	*Date of Commencement*	*S.I. No.*
Section 286 (increase in penalties for offences under section 174 of the Road Traffic Act 1988)	29.1.2004	2004/81
Sections 287 to 293 (firearms offences) and Schedule 29 (sentencing for firearms offences in Northern Ireland)	22.1.2004	2004/81
Sections 294 to 297 (offenders transferred to mental hospital)	20.1.2004	2004/81
Section 299 and Schedule 30 (disqualification from working with children)	1.5.2004	2004/829
Section 300 and Schedule 31 (default orders) (partially)	7.3.2005	2005/373
Section 301 (fine defaulters: driving disqualification) (partially)	7.3.2005	2005/373
Section 302 (execution of process between England and Wales and Scotland) (partially)	26.1.2004	2003/3282
	4.4.2005	2005/950
Section 303 (sentencing: repeals) (partially)	4.4.2005	2005/950
Section 304 and Schedule 32 (amendments relating to sentencing) (partially)	26.1.2004	2003/3282
	22.1.2004	2004/81
	4.4.2005	2005/950
Section 305 (interpretation of Part 12) (partially)	26.1.2004	2003/3282
	4.4.2005	2005/950
Section 306 (detention of suspected terrorists)	20.1.2004	2004/81
Sections 308 to 312 (miscellaneous provisions about criminal proceedings)	4.4.2005	2005/950
Sections 313 and 314 (extension of investigations by Criminal Cases Review Commission in England and Wales and Northern Ireland	1.9.2004	2004/1629
Section 315 (appeals following reference by the Criminal Cases Review Commission)	4.4.2005	2005/950

Provision	*Date of Commencement*	*S.I. No.*
Sections 316 and 317 (power to substitute conviction of alternative offence on appeal in England and Wales and Northern Ireland)	1.9.2004	2004/1629
Section 318 (substitution of conviction on different charge on appeal from court-martial)	1.9.2004	2004/1629
Section 319 (appeals against sentence in England and Wales)	4.4.2005	2005/950
Section 320 (offence of outraging public decency triable either way)	20.1.2004	2004/81
Section 321 and Schedule 33 (jury service)	5.4.2004	2004/829
Sections 322 and 323 (individual support orders)	1.5.2004	2004/829
Section 324 and Schedule 34 (parenting orders and referral orders)	27.2.2004	2004/81
Sections 325 to 327 (arrangements for assessing etc risks posed by sexual or violent offenders)	5.4.2004	2004/829
Section 328 and Schedule 35 (criminal record certificates: amendments of Part 5 of the Police Act 1997) (partially)	29.1.2004	2004/81
Section 329 (civil proceedings brought by offenders)	20.1.2004	2004/81
Section 331 and Schedule 36 (further minor and consequential amendments) (partially)	5.4.2004 1.9.2004 15.12.2004 1.1.2005 4.4.2005	2004/829 2004/1629 2004/3033 2005/950
Section 332 and Schedule 37 (repeals) (partially)	20.1.2004, 29.1.2004, 27.2.2004 5.4.2004, 15.12.2004 4.4.2005	2004/81 2004/829 2004/3033

Provision	*Date of Commencement*	*S.I. No.*
		2005/950
Section 333 and Schedule 38 (supplementary and consequential provision, etc.) (partially)	27.2.2004	2004/81
	4.4.2005	2005/950