
STATUTORY INSTRUMENTS

2010 No. 1183 (C. 77)

**CRIMINAL PROCEDURE,
ENGLAND AND WALES
CRIMINAL LAW, ENGLAND AND WALES**

The Criminal Justice Act 2003 (Commencement
No. 24 and Transitional Provisions) Order 2010

Made - - - - 29th March 2010

The Secretary of State, in exercise of the powers conferred by section 336(3) and (4) of the Criminal Justice Act 2003⁽¹⁾, and by section 330(4)(b) of that Act, makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Criminal Justice Act 2003 (Commencement No. 24 and Transitional Provisions) Order 2010.

(2) In this Order—

“the 1996 Act” means the Criminal Procedure and Investigations Act 1996⁽²⁾; and

“the 2003 Act” means the Criminal Justice Act 2003.

Appointed days

2.—(1) The following provisions of the 2003 Act shall come into force on 26th April 2010 so far as they are not already in force—

- (a) section 51 (live links in criminal proceedings);
- (b) section 52 (effect of, and rescission of, direction);
- (c) section 54 (warning to jury); and
- (d) section 56 (interpretation of Part 8 (live links)).

(2) Section 53 of the 2003 Act (magistrates’ courts permitted to sit at other locations) shall come into force on 26th April 2010.

(1) 2003 c. 44.
(2) 1996 c. 25.

3. The following provisions of the 2003 Act shall come into force in relation to England and Wales on 1st May 2010—

- (a) section 34 (notification of intention to call defence witnesses); and
- (b) section 39 (faults in defence disclosure), so far as it inserts section 11(4) and (7) of the 1996 Act.

Transitional provisions

4.—(1) The coming into force, by virtue of article 2, of sections 51 to 54 and 56 of the 2003 Act shall have no effect in relation to proceedings beginning before 26th April 2010.

(2) The coming into force, by virtue of article 3, of sections 34 and 39 of the 2003 Act shall have no effect in relation to a case to which Part 1 of the 1996 Act applies by virtue of section 1(1) or (2) of that Act before 1st May 2010.

(3) In this article, “proceedings” means the criminal proceedings listed in section 51(2) of the 2003 Act.

Signed by the authority of the Secretary of State

29th March 2010

Claire M Ward
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force those provisions of the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”) set out in articles 2 and 3.

Article 2 brings into force sections 51 to 54 and 56 of the 2003 Act on 26th April 2010 so far as those sections are not already in force. Those sections enable the courts in certain criminal proceedings to direct that a witness, other than the defendant, may give evidence through a live link.

Those sections are already in force in relation to proceedings in the Crown Court for certain sexual offences that began on or after 7th December 2007. This Order brings the sections into force in relation to all other proceedings in the Crown Court and in relation to summary trials, appeals to the Court of Appeal, hearings in the Court of Appeal following a reference by the Criminal Cases Review Commission, hearings in the magistrates’ court following a plea of guilty and retrials for serious offences beginning on or after 26th April 2010.

Article 3 brings into force section 34 of the 2003 Act and section 39 of the 2003 Act so far as it inserts section 11(4) and (7) of the Criminal Procedure and Investigations Act 1996 (c. 25) (“the 1996 Act”) in relation to England and Wales on 1st May 2010.

Section 34 inserts section 6C (notification of intention to call defence witnesses) into the 1996 Act. This provides that an accused in criminal proceedings must give to the court and the prosecutor a notice indicating whether he or she intends to call any persons (other than himself or herself) as witnesses at his or her trial.

Section 39 substitutes a new section 11 into the 1996 Act. This Order brings into force section 11(4) and (7), providing that the sanctions in section 11 of the 1996 Act apply to failures of disclosure in respect of notices required under section 6C of the 1996 Act. This leaves only subsection (11) of section 11 yet to be commenced.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Criminal Justice Act 2003 (c. 44) have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 and 2	20.1.2004	2004/81
Section 3	29.1.2004	2004/82
Section 4	20.1.2004	2004/81
Section 5 (partially)	1.8.2004	2004/1867
Section 5 so far as not already in force	1.12.2005	2005/3055
Sections 6 to 8	20.1.2004	2004/81
Section 9	5.4.2004	2004/829
Section 10	5.4.2004	2004/829

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 13	5.4.2004	2004/829
Section 14 (partially)	1.1.2007	2006/3217
Section 15 (partially)	5.4.2004	2004/829
	1.1.2007	2006/3217
Sections 16 and 17	5.4.2004	2004/829
Section 18	4.4.2005	2005/950
Sections 19 to 21	5.4.2004	2004/829
Sections 22 to 24	3.7.2004	2004/1629
Section 25	29.1.2004	2004/81
Sections 26 and 27 (partially)	3.7.2004	2004/1629
Section 27 so far as not already in force	15.10.2009	2009/2775
Section 28	29.1.2004	2004/81
	3.7.2004	2004/1629
	1.10.2007	2007/2874
Sections 29 and 30 (partially)	25.7.2007	2007/1999
	9.6.2008	2008/1424
	1.11.2009	2009/2879
Section 31	29.1.2004	2004/81
Section 32 (partially)	4.4.2005	2005/950
	15.7.2005	2005/1817
Section 33 (partially)	4.4.2005	2005/950
	24.7.2006	2006/1835
	15.7.2005	2005/1817
Sections 36 to 38 and 39 (partially)	4.4.2005	2005/950
	15.7.2005	2005/1817
Section 40	5.4.2004	2004/829
Section 41 (partially)	4.4.2005	2005/950
	9.5.2005	2005/1267
Section 42	22.1.2004	2004/81
Sections 44, 45, 46, 47 and 48 (partially)	24.7.2006	2006/1835
Section 49	29.1.2004	2004/81

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 50 (partially)	8.1.2007	2006/3422
Sections 51, 52 and 54 (partially)	7.12.2007	2007/3451
Section 55	29.1.2004	2004/81
Section 56 (partially)	7.12.2007	2007/3451
Sections 57 to 61 and 67 to 72	4.4.2005	2005/950
Section 73	29.1.2004	2004/81
Sections 74 to 92	4.4.2005	2005/950
Section 93	29.1.2004	2004/81
Sections 94 and 95	4.4.2005	2005/950
Section 97	7.3.2005	2005/373
Sections 98 to 110	15.12.2004	2004/3033
Section 111	29.1.04	2004/81
Section 112	15.12.2004	2004/3033
Section 113	1.1.2005	2004/3033
Sections 114 to 131 and 133 to 136	4.4.2005	2005/950
Sections 139 to 141	5.4.2004	2004/829
Sections 142 to 150, 152, 153 and 156 to 157	4.4.2005	2005/950
Sections 158 and 159 (partially)	7.3.2005	2005/373
Sections 158 to 159 so far as not already in force, 160 and 162 to 166	4.4.2005	2005/950
Sections 167 and 168 (partially) and 169 to 173	27.2.2004	2004/81
Section 174 (partially)	5.4.2004	2004/829
Section 174 so far as not already in force	4.4.2005	2005/950
Section 175	4.4.2005	2005/950
Section 176	5.4.2004	2004/829
Section 177	4.4.2005	2005/950
Section 178	7.3.2005	2005/373
Sections 179 and 180	4.4.2005	2005/950
Sections 182 to 187	26.1.2004	2003/3282
Sections 189 to 194	4.4.2005	2005/950
Section 195 (partially)	26.1.2004	2003/3282
Section 195 so far as not already in force	4.4.2005	2005/950
Section 196 (partially)	26.1.2004	2003/3282
	4.4.2005	2005/950

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 197 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
Section 197 so far as not already in force	4.4.2005	2005/950
Sections 198 to 199 (partially)	26.1.2004	2003/3282
Sections 198 to 199 so far as not already in force	4.4.2005	2005/950
Section 200 (partially)	26.1.2004	2003/3282
Section 200 so far as not already in force	4.4.2005	2005/950
Section 201 (partially)	26.1.2004	2003/3282
Section 201 so far as not already in force	4.4.2005	2005/950
Section 202 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
Section 202 so far as not already in force	4.4.2005	2005/950
Section 203 (partially)	26.1.2004	2003/3282
Section 203 so far as not already in force	4.4.2005	2005/950
Section 204 (partially)	26.1.2004	2003/3282
	4.4.2005	2005/950
Section 205 (partially)	26.1.2004	2003/3282
Section 205 so far as not already in force	4.4.2005	2005/950
Section 213 (partially)	26.1.2004	2003/3282
	4.4.2005	2005/950
Section 214 (partially)	26.1.2004	2003/3282
Section 214 so far as not already in force	4.4.2005	2005/950
Section 215	26.1.2004	2003/3282
	7.3.2005	2005/373
	4.4.2005	2005/950
Section 216 (partially)	26.1.2004	2003/3282
	4.4.2005	2005/950
Section 217	26.1.2004	2003/3282
	7.3.2005	2005/373
	4.4.2005	2005/950
Section 218 (partially)	26.1.2004	2003/3282

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 219 (partially)	26.1.2004	2003/3282
Section 221 (partially)	26.1.2004	2003/3282
Section 221 so far as not already in force	4.4.2005	2005/950
Section 222 (partially)	26.1.2004	2003/3282
Section 222 so far as not already in force	7.3.2005	2005/373
Section 223 (partially)	26.1.2004	2003/3282
Section 223 so far as not already in force	7.3.2005	2005/373
Sections 224 to 236	4.4.2005	2005/950
Section 237 (partially)	26.1.2004	2003/3282
Section 237 so far as not already in force	4.4.2005	2005/950
Section 238	4.4.2005	2005/950
Section 239 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
Section 240 (partially)	7.3.2005	2005/373
Section 240 so far as not already in force	4.4.2005	2005/950
Section 241 (partially)	26.1.2004	2003/3282
Section 241 so far as not already in force	4.4.2005	2005/950
Sections 242 to 243	4.4.2005	2005/950
Section 244 (partially)	26.1.2004	2003/3282
	4.4.2005	2005/950
Section 245 (partially)	26.1.2004	2003/3282
Section 246 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
	4.4.2005	2005/950
Section 247	4.4.2005	2005/950
Section 248 (partially)	26.1.2004	2003/3282
Section 248 so far as not already in force	4.4.2005	2005/950
Section 249 (partially)	26.1.2004	2003/3282
Section 249 so far as not already in force	4.4.2005	2005/950
Section 250 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
	4.4.2005	2005/950

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 251 to 252 (partially)	26.1.2004	2003/3282
Section 252 so far as not already in force	4.4.2005	2005/950
Section 253 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
Sections 254 to 256 (partially)	26.1.2004	2003/3282
Sections 254 to 256 so far as not already in force	4.4.2005	2005/950
Section 257 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
Section 257 so far as not already in force	4.4.2005	2005/950
Section 259 (partially)	26.1.2004	2003/3282
Section 259 so far as not already in force	4.4.2005	2005/950
Section 260 (partially)	7.3.2005	2005/373
Section 260 so far as not already in force	4.4.2005	2005/950
Section 261	4.4.2005	2005/950
Section 262	14.6.2004	2004/829
Section 263 (partially)	26.1.2004	2003/3282
Section 263 so far as not already in force	4.4.2005	2005/950
Section 264 (partially)	26.1.2004	2003/3282
	4.4.2005	2005/950
Section 265 (partially)	26.1.2004	2003/3282
Section 265 so far as not already in force	4.4.2005	2005/950
Section 267	7.3.2005	2005/373
Section 268 (partially)	26.1.2004	2003/3282
Section 268 so far as not already in force	4.4.2005	2005/950
Section 278	4.4.2005	2005/950
Section 279	1.12.2004	2004/3033
Section 284	29.1.2004	2004/81
Section 285	27.2.2004	2004/81
Section 286	29.1.2004	2004/81
Sections 287 to 293	22.1.2004	2004/81
Sections 294 to 297	20.1.2004	2004/81
Section 299	1.5.2004	2004/829
Section 300	7.3.2005	2005/373

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 301	7.3.2005	2005/373
Section 302 (partially)	26.1.2004	2003/3282
Section 302 so far as not already in force	4.4.2005	2005/950
Section 303 (partially)	4.4.2005	2005/950
Section 304 (partially)	26.1.2004	2003/3282
	22.1.2004	2004/81
	4.4.2005	2005/950
Section 305 (partially)	26.1.2004	2003/3282
Section 305 so far as not already in force	4.4.2005	2005/950
Section 306	20.1.2004	2004/81
Section 307	21.7.2005	2005/1817
Sections 308 to 312	4.4.2005	2005/950
Sections 313 and 314	1.9.2004	2004/1629
Section 315	4.4.2005	2005/950
Sections 316 and 317	1.9.2004	2004/1629
Section 318	1.9.2004	2004/1629
Section 319	4.4.2005	2005/950
Section 320	20.1.2004	2004/81
Section 321	5.4.2004	2004/829
Sections 322 and 323	1.5.2004	2004/829
Section 324	27.2.2004	2004/81
Sections 325 to 327	5.4.2004	2004/829
Section 328	29.1.2004	2004/81
	6.4.2006	2006/751
	1.4.2008	2008/694
Section 329	20.1.2004	2004/81
Section 331 (partially)	5.4.2004	2004/829
	1.9.2004	2004/1629
	15.12.2004	2004/2033
	1.1.2005	2004/2033
	4.4.2005	2005/950

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	15.7.2005	2005/1817
	24.7.2006	2006/1835
	8.1.2007	2006/3422
	1.10.2007	2007/2874
Section 332 (partially)	20.1.2004	2004/81
	29.1.2004	2004/81
	27.2.2004	2004/81
	5.4.2004	2004/829
	15.12.2004	2004/3033
	4.4.2005	2005/950
	15.7.2005	2005/1817
	6.4.2006	2006/751
Section 333	27.2.2004	2004/81
	4.4.2005	2005/950
Schedule 1	20.1.2004	2004/81
Schedule 2	29.1.2004	2004/81
	3.7.2004	2004/1629
	1.10.2007	2007/2874
Schedule 3 (partially)	4.4.2005	2005/950
	9.5.2005	2005/1267
Schedule 5	4.4.2005	2005/950
Schedule 6	1.1.2005	2004/3033
Schedules 7 to 9	4.4.2005	2005/950
Schedule 10 (partially)	26.1.2004	2003/3282
Schedules 12 and 13	4.4.2005	2005/950
Schedule 14	26.1.2004	2003/3282
Schedules 15 to 18	4.4.2005	2005/950
Schedule 19	26.1.2004	2003/3282
Schedule 20	14.6.2004	2004/829
Schedule 23	4.4.2005	2005/950

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 24	1.12.2004	2004/3033
Schedule 28	29.1.2004	2004/81
Schedule 29	22.1.2004	2004/81
Schedule 30	1.5.2004	2004/829
Schedule 31	7.3.2005	2005/373
Schedule 32 (partially)	26.1.2004	2003/3282
	22.1.2004	2004/81
	4.4.2005	2005/950
Schedule 33	5.4.2004	2004/829
Schedule 34	27.2.2004	2004/81
Schedule 35 (partially)	29.1.2004	2004/81
	6.4.2006	2006/751
	1.4.2008	2008/694
Schedule 36 (partially)	5.4.2004	2004/829
	1.9.2004	2004/1629
	15.12.2004	2004/2033
	1.1.2005	2004/2033
	4.4.2005	2005/950
	15.7.2005	2005/1817
	24.7.2006	2006/1835
	1.1.2007	2006/3217
	8.1.2007	2006/3422
	1.10.2007	2007/2874
Schedule 37 (partially)	20.1.2004	2004/81
	29.1.2004	2004/81
	27.2.2004	2004/81
	5.4.2004	2004/829
	15.12.2004	2004/3033

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	4.4.2005	2005/950
	15.7.2005	2005/1817
	6.4.2006	2006/751
Schedule 38	27.2.2004	2004/81
	4.4.2005	2005/950