



Criminal Justice Act 2003

2003 CHAPTER 44

PART 14

GENERAL

330 Orders and rules

(1) This section applies to—

- (a) any power conferred by this Act on the Secretary of State to make an order or rules;
- (b) the power conferred by section 168^{F1} . . . [^{F2}or the Lord Chief Justice] to make an order.
- [^{F3}(c) the powers conferred on the Lord Chancellor by sections [^{F4}29(2E),] 174(4) and 269(6) to make an order.]

(2) The power is exercisable by statutory instrument.

[^{F5}(2A) Where a statutory instrument is made by the Lord Chief Justice in the exercise of the power referred to in subsection (1)(b), the Statutory Instruments Act 1946 applies to the instrument as if it contained an order made by a Minister of the Crown.]

(3) The power—

- (a) may be exercised so as to make different provision for different purposes or different areas, and
- (b) may be exercised either for all the purposes to which the power extends, or for those purposes subject to specified exceptions, or only for specified purposes.

(4) The power includes power to make—

- (a) any supplementary, incidental or consequential provision, and
- (b) any transitory, transitional or saving provision,

which the Minister making the instrument considers necessary or expedient.

(5) A statutory instrument containing—

- (a) an order under any of the following provisions—

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[^{F6}section 22(3C),]
section 25(5),
section 103,
^{F7} . . .
^{F8} ...
^{F9} ...
^{F8} ...
[^{F10}section ^{F11} ...
section ^{F12} ...]
^{F8} ...
section 246(5),
[^{F13}section 256AZB,]
[^{F14}section 256AB(4),]
[^{F15}section 258(2C),]
section 260,
section 267,
^{F8} ...
section 281(2),
section 283(1),
section 291,
section 301(5),
section 325(7), and
[^{F14}paragraph 6 of Schedule 19A,]
paragraph 5 of Schedule 31,

[^{F16}(aa) an order under section 23A(4) which makes provision—
(i) increasing the fraction in section 23A(3)(a), or
(ii) increasing the figure in section 23A(3)(b) by more than is necessary to reflect changes in the value of money,]

^{F17}(b) [^{F18}or]

(c) an order making any provision by virtue of section 333(2)(b) which adds to, replaces or omits any part of the text of an Act, ^{F19} ...

^{F19}(d)

may only be made if a draft of the statutory instrument has been laid before, and approved by a resolution of, each House of Parliament.

(6) Any other statutory instrument made in the exercise of a power to which this section applies is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Subsection (6) does not apply to a statutory instrument containing only an order made under one or more of the following provisions—

^{F20} ...

^{F20} ...

...

section 253(5),
section 325(6)(i), and
section 336.

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Textual Amendments

- F1** Words in s. 330(1)(b) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 146, 148, **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 30(b)
- F2** Words in s. 330(1)(b) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148, **Sch. 4 para. 359(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(cc)
- F3** S. 330(1)(c) added (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 177, 182, (with s. 180, Sch. 22); S.I. 2010/816, **art. 2**, Sch. paras. 14(b), 20(b) (with art. 7(4))
- F4** Word in s. 330(1)(c) inserted (7.11.2023) by Judicial Review and Courts Act 2022 (c. 35), s. 51(4), **Sch. 2 para. 4(4)**; S.I. 2023/1194, reg. 2(e)
- F5** S. 330(2A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148, **Sch. 4 para. 359(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(cc)
- F6** Words in s. 330(5)(a) inserted (16.11.2009 for specified purposes and otherwise prosp.) by Police and Justice Act 2006 (c. 48), **ss. 17(5)(a)**, 53; S.I. 2009/2774, **art. 2**
- F7** Words in s. 330(5)(a) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6, 149, 153, Sch. 4 para. 95, **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, **art. 2(p)(xv)(u) (xxxi)**
- F8** Words in s. 330(5)(a) 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
- F9** Words in s. 330(5)(a) omitted (1.6.2014) by virtue of Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 4 para. 13**; S.I. 2014/1287, art. 2(d)
- F10** Words in s. 330(5)(a) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148, 153, **Sch. 26 para. 76**; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 48(a)
- F11** Words in s. 330(5)(a) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 21 para. 30(a)**; S.I. 2012/2906, art. 2(s)
- F12** Word in s. 330(5)(a) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 21 para. 30(b)**; S.I. 2012/2906, art. 2(s)
- F13** Words in s. 330(5)(a) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 137(3)**, 208(1); S.I. 2022/520, reg. 5(p)
- F14** Words in s. 330(5)(a) inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 3 para. 25** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F15** Words in s. 330(5)(a) inserted (E.W.) (1.6.2015) by Serious Crime Act 2015 (c. 9), **ss. 10(4)**, 88(1); S.I. 2015/820, reg. 3(g)
- F16** S. 330(5)(aa) inserted (16.11.2009) by Police and Justice Act 2006 (c. 48), **ss. 17(5)(b)**, 53; S.I. 2009/2774, **art. 3**
- F17** S. 330(5)(b) repealed (1.5.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 148(5), **Sch. 10 Pt. 10**
- F18** Word in s. 330(5)(b) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 110(12)(a)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F19** S. 330(5)(d) and preceding word omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 110(12)(b)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F20** Words in s. 330(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

Modifications etc. (not altering text)

- C1** S. 330 modified in part (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), **ss. 1, 5(2)(3)**; S.I. 2012/1236, reg. 2

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[^{F21}330A Orders: Northern Ireland

- (1) Any power of the Department of Justice in Northern Ireland to make an order under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 ^{F22}.
- (2) The Department of Justice shall not make any order—
 - (a) making any provision by virtue of section 333(2)(b) which adds to, replaces or omits any part of the text of an Act, or
 - (b) under section 336(3) bringing section 43 into force,
 unless a draft of it has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (3) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 ^{F23} applies for the purposes of subsection (2) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.
- (4) Any other order made by the Department of Justice under section 333, or an order made by the Department of Justice under section 47(8) or 97(2), is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 ^{F24}).
- (5) Any power of the Department of Justice to make an order under this Act—
 - (a) may be exercised so as to make different provision for different purposes or different areas, and
 - (b) may be exercised either for all the purposes to which the power extends, or for those purposes subject to specified exceptions, or only for specified purposes.
- (6) The power includes power to make—
 - (a) any supplementary, incidental or consequential provision, and
 - (b) any transitory, transitional or saving provision,
 which the Department of Justice considers necessary or expedient.]

Textual Amendments

- F21** S. 330A inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 12, **Sch. 14 para. 78(4)** (with arts. 28-31); S.I. 2010/977, art. 1(2)
- F22** S.I. 1979/1573 (N.I. 12).
- F23** Section 41(3) was substituted by S.I. 1999/663.
- F24** Section 41(6) was amended by S.I. 1999/663.

331 Further minor and consequential amendments

Schedule 36 (further minor and consequential amendments) shall have effect.

Commencement Information

- II** S. 331 partly in force; s. 331 not in force at Royal Assent, see s. 336(3); s. 331 in force for certain purposes at 5.4.2004 by S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**); s. 331 in force for certain purposes at 1.9.2004 by S.I. 2004/1629, **art. 3(1)(2)** (subject to **art. 3(3)(4)**); s. 331 in force for certain purposes at 15.12.2004 and for certain further purposes at 1.1.2005 by S.I. 2004/3033, **arts. 3, 4**; s.

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331 in force for certain purposes at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 26 (subject to **art. 2(2)**, Sch. 2); s. 331 in force for N.I. for certain purposes at 15.7.2005 by S.I. 2005/1817, **art. 2(1)(2)** (subject to **art. 2(3)**); s. 331 in force for certain purposes at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); s. 331 in force for certain purposes at 8.1.2007 by S.I. 2006/3422, **art. 2**; s. 331 in force for certain purposes at 1.10.2007 by S.I. 2007/2874, **art. 2(1)(2)(b)**; s. 331 in force for certain purposes at 18.6.2012 by S.I. 2012/1320, **art. 3(b)**

332 Repeals

Schedule 37 (repeals) shall have effect.

Commencement Information

- I2** S. 332 partly in force; s. 332 in force for certain purposes at Royal Assent and for certain further purposes at 18.12.2003, see s. 336(1)(2); s. 332 in force for certain purposes at 20.1.2004, 29.1.2004 and 27.2.2004 by S.I. 2004/81, **arts. 2, 4, 5**; s. 332 in force for certain purposes at 5.4.2004 by S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**); s. 332 in force for certain purposes at 15.12.2004 by S.I. 2004/3033, **art. 3**; s. 332 in force for certain purposes at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 27 (subject to **art. 2(2)**, Sch. 2); s. 332 in force for N.I. for certain purposes at 15.7.2005 by S.I. 2005/1817, **art. 2(1)(2)** (subject to **art. 2(3)**); s. 332 in force for E.W. for certain purposes at 6.4.2006 by S.I. 2006/751, **art. 2**; s. 332 in force for N.I. at 3.12.2007 by S.I. 2007/3340, **art. 2(a)**; s. 332 in force for certain purposes at 18.6.2012 by S.I. 2012/1320, arts. 3(c), **4(1)(b)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I3** S. 332 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, **art. 2(1)(b)(2)(3)**, Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)
- I4** S. 332 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, **art. 2(1)(b)(2)(3)** (with arts. 3, 4)
- I5** S. 332 in force at 14.7.2022 for specified purposes by S.I. 2022/816, regs. 1(2), **2(b)**

333 Supplementary and consequential provision, etc.

(1) The Secretary of State may by order make—

- (a) any supplementary, incidental or consequential provision, and
- (b) any transitory, transitional or saving provision,

which he considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to any provision of this Act.

[^{F25}(1A) In the application of this section to Northern Ireland, any reference to the Secretary of State is to be read as a reference to the Department of Justice in Northern Ireland.]

(2) An order under subsection (1) may, in particular—

- (a) provide for any provision of this Act which comes into force before another such provision has come into force to have effect, until that other provision has come into force, with such modifications as are specified in the order, and
- (b) amend or repeal—
 - (i) any Act passed before, or in the same Session as, this Act, and
 - (ii) subordinate legislation made before the passing of this Act.

(3) Nothing in this section limits the power by virtue of section 330(4)(b) [^{F26}or 330A(6)(b)] to include transitional or saving provision in an order under section 336.

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- (4) The amendments that may be made under subsection (2)(b) are in addition to those made by or under any other provision of this Act.
- (5) In this section “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).
- (6) Schedule 38 (which contains transitory and transitional provisions and savings) shall have effect.

Textual Amendments

- F25** S. 333(1A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 12, [Sch. 14 para. 78\(5\)\(a\)](#) (with arts. 28-31); S.I. 2010/977, art. 1(2)
- F26** Words in s. 333(3) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 12, [Sch. 14 para. 78\(5\)\(b\)](#) (with arts. 28-31); S.I. 2010/977, art. 1(2)

Commencement Information

- I6** S. 333 partly in force; s. 333(1)-(5) in force and s. 333(6) in force for certain purposes at Royal Assent, see s. 336(1); s. 333(6) in force for certain purposes at 27.2.2004 by [S.I. 2004/81](#), [art. 5](#); s. 333(6) in force for certain purposes at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 28](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

334 Provision for Northern Ireland

- (1) An Order in Council under section 85 of the Northern Ireland Act 1998 (c. 47) (provision dealing with certain reserved matters) which contains a statement that it is made only for purposes corresponding to those of any provisions of this Act specified in subsection (2)—
 - (a) shall not be subject to subsections (3) to (9) of that section (affirmative resolution of both Houses of Parliament), but
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) The provisions are—
 - (a) in Part 1, sections 1, 3(3), 4, 7 to 10 and 12 and paragraphs 1, 2, 5 to 10 and 20 of Schedule 1, and
 - (b) Parts 8, 9 and 11.
- (3) In relation to any time when section 1 of the Northern Ireland Act 2000 (c. 1) is in force (suspension of devolved government in Northern Ireland)—
 - (a) the reference in subsection (1) above to section 85 of the Northern Ireland Act 1998 shall be read as a reference to paragraph 1 of the Schedule to the Northern Ireland Act 2000 (legislation by Order in Council during suspension), and
 - (b) the reference in subsection (1)(a) above to subsections (3) to (9) of that section shall be read as a reference to paragraph 2 of that Schedule.
- (4) The reference in section 41(2) of the Justice (Northern Ireland) Act 2002 (c. 26) (transfer of certain functions to Director of Public Prosecutions for Northern Ireland) to any function of the Attorney General for Northern Ireland of consenting to the

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institution of criminal proceedings includes any such function which is conferred by an amendment made by this Act.

- (5) Any reference to any provision of the Criminal Appeal (Northern Ireland) Act 1980 (c. 47) in the Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)) is to be read as a reference to that provision as amended by this Act.

335 Expenses

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown by virtue of this Act, and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

336 Commencement

- (1) The following provisions of this Act come into force on the passing of this Act—
section 168(1) and (2),
section 183(8),
section 307(1) to (3), (5) and (6),
section 330,
section 333(1) to (5),
sections 334 and 335,
this section and sections 337, 338 and 339, and
the repeal in Part 9 of Schedule 37 of section 81(2) and (3) of the Countryside and Rights of Way Act 2000 (c. 37) (and section 332 so far as relating to that repeal), and
paragraphs 1 and 6 of Schedule 38 (and section 333(6) so far as relating to those paragraphs).
- (2) The following provisions of this Act come into force at the end of the period of four weeks beginning with the day on which this Act is passed—
Chapter 7 of Part 12 (and Schedules 21 and 22);
section 303(b)(i) and (ii);
paragraphs 42, 43(3), 66, 83(1) to (3), 84 and 109(2), (3)(b), (4) and (5) of Schedule 32 (and section 304 so far as relating to those provisions);
Part 8 of Schedule 37 (and section 332 so far as relating to that Part of that Schedule).
- (3) The remaining provisions of this Act come into force in accordance with provision made by the Secretary of State by order.
- (4) Different provision may be made for different purposes and different areas.
- [^{F27}(5) For the purposes of the law of Northern Ireland, the power in subsection (3) is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State).]

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Subordinate Legislation Made

P1 S. 336(3) power partly exercised: 26.1.2004 appointed for specified provisions by {S.I. 2003/3282}, art. 2, Sch.; different dates appointed for specified provisions by {S.I. 2004/81}, arts. 2-4; different dates appointed for specified provisions by {S.I. 2004/829}, arts. 2-4; different dates appointed for specified provisions by {S.I. 2004/1629}, arts. 2, 3; 1.8.2004 appointed for specified provisions by {S.I. 2004/1867}, art. 2; different dates appointed for specified provisions by {S.I. 2004/3033}, arts. 2-4; 7.3.2005 appointed for specified provisions by {S.I. 2005/373}, art. 2; different dates appointed for specified provisions by {S.I. 2005/950}, arts. 2-4, Sch. 1 (subject to Sch. 2) (as explained by S.I. 2005/2122, **art. 2**; and as amended by: S.I. 2007/391, **art. 2** (revoked by S.I. 2009/3111, **art. 2**); 2008 c. 4, Sch. 26 para. 78, **Sch. 28 Pt. 2**; S.I. 2008/1586, Sch. 1 paras. 48(s), **50(2)(d)**; S.I. 2009/616, **art. 2** (revoked by S.I. 2009/3111, **art. 2**); S.I. 2009/3111, **art. 2**); 9.5.2005 appointed for specified provisions by {S.I. 2005/1267}, art. 2, Sch.; different dates appointed for specified provisions by {S.I. 2005/1817}, arts. 2, 3; 1.12.2005 appointed for specified provisions by {S.I. 2005/3055}, art. 2; 6.4.2006 appointed for specified provisions by {S.I. 2006/751}, art. 2; 24.7.2006 appointed for specified provisions by {S.I. 2006/1835}, art. 2 (subject to art. 3); 1.1.2007 appointed for specified provisions by {S.I. 2006/3217}, art. 2; 8.1.2007 appointed for specified provisions by {S.I. 2006/3422}, art. 2; 25.7.2007 appointed for specified provisions by {S.I. 2007/1999}, art. 2; 1.10.2007 appointed for specified provisions by {S.I. 2007/2874}, art. 2; 3.12.2007 appointed for specified provisions by {S.I. 2007/3340}, art. 2; 7.12.2007 appointed for specified provisions by {S.I. 2007/3451}, art. 2 (subject to art. 3); 1.4.2008 appointed for a specified provision by {S.I. 2008/694}, art. 2; 9.6.2008 appointed for specified provisions by {S.I. 2008/1424}, art. 2; 16.11.2011 appointed for specified provision by {S.I. 2009/2775}, art. 2; 1.11.2009 appointed for the specified provisions by {S.I. 2009/2879}, art. 2, 3; 26.4.2010 and 1.5.2010 appointed for specified provisions by {S.I. 2010/1183}, arts. 2, 3 (with art. 4); 1.1.2011 appointed for specified provision by {S.I. 2010/3005}, art. 2

Textual Amendments

F27 S. 336(5) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 78(6)** (with arts. 28-31); S.I. 2010/977, art. 1(2)

337 Extent

- (1) Subject to the following provisions of this section and to section 338, this Act extends to England and Wales only.
- (2) The following provisions extend also to Scotland and Northern Ireland—
 - sections 71 and 72;
 - sections 82 and 83;
 - F28** ...
 - section 188 and Schedule 11;
 - F28** ...
 - section 293;
 - section 306
 - section 307;
 - section 311;
 - this Part, except sections 331, 332 and 334(5);
 - paragraphs 19, 70 and 71 of Schedule 3;
 - F28** ...

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paragraphs 3, 6, 7 and 8 of Schedule 27;
paragraphs 6 to 8 of Schedule 31.

- (3) The following provisions extend also to Scotland—
section 50(14);
section 286;
sections 287, 288, and 291;
section 302;
paragraph 2 of Schedule 23;
paragraphs 1, 2 and 5 of Schedule 27;
paragraph 7 of Schedule 38.
- (4) Section 290 extends to Scotland only.
- (5) The following provisions extend also to Northern Ireland—
Part 5;
Part 7;
sections 75 to 81;
sections 84 to 93;
sections 95 to 97;
section 315;
[^{F29}section 328;]
Schedule 5.
[^{F30}Schedule 35.]
- (6) The following provisions extend to Northern Ireland only—
^{F31}
...
sections 296 and 297;
section 314;
section 317;
section 334(5).
- (7) The amendment or repeal of any enactment by any provision of—
(a) Part 1,
(b) section 285,
(c) Part 2 of Schedule 3 (except as mentioned in subsection (8)),
(d) Schedule 27,
(e) Schedule 28,
(f) Part 1 of Schedule 32,
(g) Parts 1 to 4 and 6 of Schedule 36, and
(h) Parts 1 to 4, 6 to 8, 10 and 12 of Schedule 37 (except as mentioned in subsection (9)),
extends to the part or parts of the United Kingdom to which the enactment extends.
- (8) Paragraphs 29, 30, 31, 39, 41, 50, 53 and 63 of Schedule 3 do not extend to Northern Ireland.
- (9) The repeals in Part 4 of Schedule 37 relating to—
(a) the Bankers' Books Evidence Act 1879 (c. 11),

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- (b) the Explosive Substances Act 1883 (c. 3),
 - (c) the Backing of Warrants (Republic of Ireland) Act 1965 (c. 45),
 - (d) the Customs and Excise Management Act 1979 (c. 2), and
 - (e) the Contempt of Court Act 1981 (c. 49),
- do not extend to Northern Ireland.
- (10) The provisions mentioned in subsection (11), so far as relating to proceedings before a particular service court, have the same extent as the Act under which the court is constituted.
- (11) Those provisions are—
- section 113 and Schedule 6;
 - section 135 and Schedule 7.
- (12) Nothing in subsection (1) affects —
- (a) the extent of Chapter 7 of Part 12 so far as relating to sentences passed [^{F32}in respect of service offences within the meaning of the Armed Forces Act 2006], or
 - (b) the extent of section 299 and Schedule 30 so far as relating to the making of orders by, or orders made by, [^{F33}the Court Martial or the Court Martial Appeal Court].
- [^{F34}(12A) Nothing in subsection (1) affects the extent of section 94; and section 384 of the Armed Forces Act 2006 applies in relation to section 94 of this Act as it applies in relation to that Act.]
- (13) Any provision of this Act which—
- (a) relates to any enactment contained in—
 - (i) ^{F35}
 - (ii) ^{F35}
 - (iii) ^{F35}
 - (iv) the [^{F36}Court Martial Appeals Act 1968](c. 20), [^{F37} or]
 - (v) ^{F35}
 - (vi) section 113 of the Police and Criminal Evidence Act 1984 (c. 60),
 - (vii) ^{F35}
 - (viii) ^{F35}
 - (b) ^{F38}
- has the same extent as the enactment to which it relates.

Textual Amendments

F28 Words in s. 337(2) 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

F29 Words in s. 337(5) inserted (7.4.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 167(a), 178(1)(a)

F30 Words in s. 337(5) inserted (7.4.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 167(b), 178(1)(a)

F31 Words in s. 337(6) repealed (1.2.2005) by The Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3)), arts. 1, 82(2), Sch. 8 (with art. 81); S.R. 2005/4, art. 3 (with arts. 4-7)

Changes to legislation: *Criminal Justice Act 2003, Part 14 is up to date with all changes known to be in force on or before 27 June 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*

- F32** Words in s. 337(12)(a) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\), ss. 378\(1\), 383, Sch. 16 para. 233\(2\)\(a\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F33** Words in s. 337(12)(b) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\), ss. 378\(1\), 383, Sch. 16 para. 233\(2\)\(b\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F34** S. 337(12A) inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\), ss. 378\(1\), 383, Sch. 16 para. 233\(3\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F35** S. 337(13)(a)(i)-(iii)(v)(vii)(viii) repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\), ss. 378, 383, Sch. 16 para. 233\(4\)\(a\)\(i\), Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F36** Words in s. 337(13)(a)(iv) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\), ss. 378\(1\), 383, Sch. 16 para. 233\(4\)\(a\)\(ii\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F37** Word in s. 337(13)(a)(iv) inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\), ss. 378\(1\), 383, Sch. 16 para. 233\(4\)\(a\)\(ii\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F38** S. 337(13)(b) repealed (28.3.2009 for certain purposes, otherwise 31.10.2009); S.I. 2009/1167, [art. 4](#); S.I. 2009/1167, [art. 4](#) by [Armed Forces Act 2006 \(c. 52\), ss. 378, 383, Sch. 16 para. 233\(4\)\(b\), Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Modifications etc. (not altering text)

- C2** S. 337(12) modified (24.4.2009 for certain purposes, otherwise 31.10.2009) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\), arts. 1\(3\), 205, Sch. 1 para. 53\(12\)](#)

338 Channel Islands and Isle of Man

- (1) Subject to subsections (2) and (3), Her Majesty may by Order in Council extend any provision of this Act, with such modifications as appear to Her Majesty in Council to be appropriate, to any of the Channel Islands or the Isle of Man.
- (2) Subsection (1) does not authorise the extension to any place of a provision of this Act so far as the provision amends an enactment that does not itself extend there and is not itself capable of being extended there in the exercise of a power conferred on Her Majesty in Council.
- (3) Subsection (1) does not apply in relation to any provision that extends to the Channel Islands or the Isle of Man by virtue of any of subsections (10) to (13) of section 337.
- (4) Subsection (4) of section 330 applies to the power to make an Order in Council under subsection (1) as it applies to any power of the Secretary of State to make an order under this Act, but as if references in that subsection to the Minister making the instrument were references to Her Majesty in Council.

Modifications etc. (not altering text)

- C3** S. 338 extended (1.5.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 151\(2\)\(c\), 153\(3\)](#)
- C4** S. 338 power modified (13.3.2014) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 22\(2\), 23\(7\)](#)
- C5** S. 338 modified (12.2.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 95\(1\), 97\(3\)](#)

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- C6** S. 338 power extended (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\(2\)\(3\)\(8\)](#); S.I. 2012/1236, reg. 2
- C7** S. 338 power extended (28.4.2022) by [Nationality and Borders Act 2022 \(c. 36\), ss. 86\(5\)\(6\)\(g\), 87\(3\)\(c\)](#)
- C8** S. 338(1) modified (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\), ss. 181\(7\), 182\(1\)\(f\)](#) (with s. 180, Sch. 22)
- C9** S. 338(1) power applied (12.2.2019) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\), ss. 26\(7\), 27\(1\)\(c\)](#)

339 Short title

This Act may be cited as the Criminal Justice Act 2003.

Changes to legislation:

Criminal Justice Act 2003, Part 14 is up to date with all changes known to be in force on or before 27 June 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by [S.I. 2012/2761 art. 2](#)

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):

- s. 256AZBA-256AZBC and cross-heading inserted by [2024 c. 21 s. 62\(1\)](#)
- s. 256AZBC(1) power to amend or apply conferred by 2012 c.10, s. 128(3A) (as inserted) by [2024 c. 21 s. 60\(3\)](#)
- s. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to legislation.gov.uk. Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to legislation.gov.uk. Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 237A237B inserted by [2024 c. 21 s. 59\(2\)](#)
- s. 237A power to amend conferred by 2012 c.10, s. 128(3)(aaza) (as inserted) by [2024 c. 21 s. 60\(2\)\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 250(5D) inserted by [2024 c. 21 s. 64\(3\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(3A) inserted by [2024 c. 21 s. 59\(5\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(3A) inserted by [2024 c. 21 s. 59\(6\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)

- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 256AZB(3) inserted by [2024 c. 21 s. 59\(7\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)
- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))
- s. 268A inserted by [2024 c. 21 s. 70](#)
- s. 327(4A)(ca) inserted by [2024 c. 21 s. 65](#)
- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 18B inserted by [2024 c. 21 Sch. 2](#)
- Sch. 19 para. 2(2)(e) and word inserted by [2024 c. 21 s. 74\(3\)\(b\)](#)
- Sch. 19 para. 2(2A) inserted by [2024 c. 21 s. 74\(4\)](#)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)