

**2004 No.1629(C. 64 )**

**CRIMINAL LAW, ENGLAND AND WALES**

**CRIMINAL LAW, NORTHERN IRELAND**

**The Criminal Justice Act 2003 (Commencement No. 4 and  
Saving Provisions) Order 2004**

*Made* - - - -

*25th June 2004*

The Secretary of State, in exercise of the powers conferred upon him by sections 330(4)(b) and 336(3) of the Criminal Justice Act 2003(a), hereby makes the following Order:

**1.**—(1) This Order may be cited as the Criminal Justice Act 2003 (Commencement No.4 and Saving Provisions) Order 2004.

(2) In this Order “the 2003 Act” means the Criminal Justice Act 2003.

**2.**—(1) The provisions of the 2003 Act listed in paragraph (2) shall come into force on 3<sup>rd</sup> July 2004.

(2) The provisions of the 2003 Act referred to in paragraph (1) are—

- (a) sections 22 to 24, 26 and 27 (conditional cautions), except sub-paragraphs (b) and (d) to (g) in the entry relating to the “relevant prosecutor” in section 27;
- (b) section 28 (charging or release of persons in police detention) in so far as it relates to the provision referred to in sub-paragraph (c); and
- (c) paragraph 3 of Schedule 2 (charging or release of persons in police detention) to the extent that it inserts section 37B(9)(a) of the Police and Criminal Evidence Act 1984(b).

**3.**—(1) Subject to paragraphs (3) and (4), the provisions of the 2003 Act listed in paragraph (2) shall come into force on 1<sup>st</sup> September 2004.

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

- (a) section 313 (extension of investigations by Criminal Cases Review Commission in England and Wales);
- (b) section 314 (extension of investigations by Criminal Cases Review Commission in Northern Ireland);
- (c) section 316 (power to substitute conviction of alternative offence on appeal in England and Wales);

---

(a) 2003 c.44.

(b) 1984 c.60. Section 28 and Schedule 2 came into force on 29<sup>th</sup> January 2004, save for new section 37(8) and (9)(a) of the Police and Criminal Evidence Act 1984. (See S.I. 2004/81 (C.2)).

- (d) section 317 (power to substitute conviction of alternative offence on appeal in Northern Ireland);
- (e) section 318 (substitution of conviction on different charge on appeal from court-martial);
- (f) section 331 (further minor and consequential amendments ) in so far as it relates to the provisions referred to in sub-paragraph (g);
- (g) in Schedule 36 (further minor and consequential amendments), paragraphs 86, 89 and 97.

(3) A direction under section 23A of the Criminal Appeal Act 1968(a) may not be made in relation to an application for leave to appeal made before the commencement of section 313 of the 2003 Act.

(4) A direction under section 25A of the Criminal Appeal (Northern Ireland) Act 1980(b) may not be made in relation to an application for leave to appeal made before the commencement of section 314 of the 2003 Act.

Home Office  
25th June 2004

*Scotland of Asthal*  
Minister of State

#### **EXPLANATORY NOTE**

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

This Order brings into force the provisions of the Criminal Justice Act 2003 (c.44) which are listed in articles 2 and 3 on 3<sup>rd</sup> July and 1<sup>st</sup> September 2004 respectively. Article 3(3) and (4) are saving provisions, needed to ensure that the amendments to the Criminal Appeal Act 1968 and Criminal Appeal (Northern Ireland) Act 1980 apply to new cases only.

#### **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 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 and 19 to 21 (bail)	5.4.2004	2004/829
Section 25 (conditional cautions, code of practice)	29.1.2004	2004/81

(a) 1968 c.19. Section 23A is amended by section 313 of the 2003 Act.  
(b) 1980 c.47. Section 25A is amended by section 314 of the 2003 Act.

Section 28 and Schedule 2 (partially) and section 31 (charging etc)	29.1.2004	2004/81
Section 40 (code of practice for police interviews of witnesses notified by accused)	5.4.2004	2004/829
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
Section 73 (rules of court)	29.1.2004	2004/81
Section 93 (rules of court)	29.1.2004	2004/81
Section 111 (rules of court)	29.1.2004	2004/81
Section 132 (rules of court)	29.1.2004	2004/81
Section 139 to 141 (use of documents to refresh memory)	5.4.2004	2004/829
Sections 167, 168 (partially) and 169 to 173 (sentencing and allocation guidelines)	27.2.2004	2004/81
Section 174 (duty to give reasons for, and explain effect of, sentence) (partially)	5.4.2004	2004/829
Section 176 (interpretation of Chapter 1)	5.4.2004	2004/829
Sections 182 to 187 and Schedule 10 (prison sentences of less than 12 months) (partially)	26.1.2004	2003/3282
Sections 195 to 205, 213 to 219 and Schedule 14, and sections 221 to 223 (further provisions about orders under Chapters 2 and 3) (partially)	26.1.2004	2003/3282
Sections 237, 239 and Schedule 19, 241, 244 to 246, 248 to 257, 259, 263 to 265 and 268 (release on licence) (partially)	26.1.2004	2003/3282
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 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
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

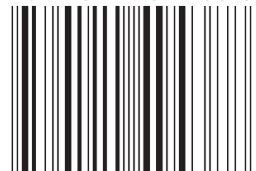
Sections 294 to 297 (offenders transferred to mental hospital)	20.1.2004	2004/81
Section 299 and Schedule 30 (disqualification from working with children)	1.5.2004	2004/829
Section 302 (execution of process between England and Wales and Scotland) (partially)	26.1.2004	2003/3282
Section 304 and Schedule 32 (amendments relating to sentencing) (partially)	26.1.2004 22.1.2004	2003/3282 2004/81
Section 305 (interpretation of Part 12) (partially)	26.1.2004	2003/3282
Section 306 (detention of suspected terrorists)	20.1.2004	2004/81
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	2004/829
Section 332 and Schedule 37 (repeals) (partially)	20.1.2004, 29.1.2004, 27.2.2004 5.4.2004	2004/81 2004/829
Section 333 and Schedule 38 (supplementary and consequential provision, etc.) (partially)	27.2.2004	2004/81

£3.00

© Crown copyright 2004

Printed and published in the UK by The Stationery Office Limited  
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's  
Stationery Office and Queen's Printer of Acts of Parliament.  
E0884 7/2004 140884T 19585

ISBN 0-11-049438-5



9 780110 494388