

2010 No. 145 (C. 18)

CORONERS, ENGLAND AND WALES

CRIMINAL LAW

CRIMINAL PROCEDURE, ENGLAND AND WALES

CRIMINAL PROCEDURE, NORTHERN IRELAND

DATA PROTECTION

**LEGAL SERVICES COMMISSION, ENGLAND AND
WALES**

**The Coroners and Justice Act 2009 (Commencement No. 3 and
Transitional Provision) Order 2010**

Made - - - -

25th January 2010

The Lord Chancellor and Secretary of State in exercise of the powers conferred, respectively, by section 182(4) and section 182(5) of the Coroners and Justice Act 2009(a), and by section 176(3) of that Act, makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Coroners and Justice Act 2009 (Commencement No. 3 and Transitional Provision) Order 2010.

(2) In this Order, “the 2009 Act” means the Coroners and Justice Act 2009.

Appointed days

2.—(1) The following provisions of the 2009 Act shall come into force immediately before 1st February 2010—

(a) section 142 (Commissioner for Victims and Witnesses);

(b) section 178 (repeals), so far as it relates to the repeals specified in sub-paragraph (c); and

- (c) in Part 5 of Schedule 23 (miscellaneous criminal justice provisions), the repeals relating to—
- (i) the Superannuation Act 1972(a),
 - (ii) the House of Commons Disqualification Act 1975(b),
 - (iii) the Northern Ireland Assembly Disqualification Act 1975(c), and
 - (iv) the Domestic Violence, Crime and Victims Act 2004(d).

(2) The provisions of the 2009 Act specified in the Schedule shall come into force on 1st February 2010.

Transitional provision

3.—(1) The coming into force of the relevant provisions of the 2009 Act, by virtue of article 2(2) and paragraphs 13 and 27(b) of the Schedule (and paragraph 19 so far as it relates to paragraph 27(b)), shall have no effect in relation to an application to the Legal Services Commission to fund services as part of the Community Legal Service made before 1st February 2010.

(2) The relevant provisions of the 2009 Act are—

- (a) section 150 (certain services excluded from the Community Legal Service), and
- (b) in Part 6 of Schedule 23, the repeal of paragraph 1(h) of Schedule 2 to the Access to Justice Act 1999(e) (excluded services in relation to matters arising out of the carrying on of a business).

Signed by the authority of the Lord Chancellor and Secretary of State.

Claire M Ward
Parliamentary Under Secretary of State
Ministry of Justice

25th January 2010

SCHEDULE

Article 2

Provisions which come into force on 1st February 2010

1. Section 35 (Chief Coroner and Deputy Chief Coroners).
2. Section 59 (encouraging or assisting suicide (England and Wales)).
3. Section 60 (encouraging or assisting suicide (Northern Ireland)).
4. Section 61 (encouraging or assisting suicide: information society services).
5. Section 72 (conspiracy).
6. Section 112 (admissibility of evidence of previous complaints).
7. Section 114 (bail: risk of committing an offence causing injury).
8. Section 115 (bail decisions in murder cases to be made by Crown Court judge).

(a) 1972 c. 11.
(b) 1975 c. 24.
(c) 1975 c. 25.
(d) 2004 c. 28.
(e) 1999 c. 22; paragraph 1(h) was amended by S.I. 2004/1055.

9. Section 118(2) (provision about the Sentencing Council for England and Wales), so far as it relates to the provisions specified in paragraph 23.
10. Section 140 (appeals against certain confiscation orders (England and Wales)).
11. Section 141 (appeals against certain confiscation orders (Northern Ireland)).
12. Section 149 (Community Legal Service: pilot schemes).
13. Section 150 (excluded services: help in connection with business matters).
14. Section 153 (statutory instruments relating to the Legal Services Commission).
15. Section 173 (assessment notices), so far as it inserts section 41C (code of practice about assessment notices) of the Data Protection Act 1998(a).
16. Section 174 (data-sharing code of practice).
17. Section 175 (further amendments of the Data Protection Act 1998), so far as it relates to the provisions specified in paragraph 24.
18. In section 177 (consequential etc amendments and transitional etc provisions)—
- (a) subsection (1) (minor and consequential amendments), so far as it relates to the provisions specified in paragraph 25; and
 - (b) subsection (2) (transitional, transitory and saving provisions), so far as it relates to the provisions specified in paragraph 26.
19. Section 178 (repeals), so far as it relates to the provisions specified in paragraph 27.
20. Section 180 (effect of amendments to provisions applied for purposes of service law).
21. Schedule 8 (Chief Coroner and Deputy Chief Coroners).
22. Schedule 12 (encouraging or assisting suicide: providers of information society services).
23. In Schedule 15 (the Sentencing Council for England and Wales)—
- (a) paragraphs 1 to 4, 6 and 9; and
 - (b) paragraphs 5, 7 and 10, for the purposes of making appointments.
24. In Schedule 20 (amendments of the Data Protection Act 1998), paragraphs 1 to 3 (data controllers' registration).
25. In Schedule 21 (minor and consequential amendments)—
- (a) paragraphs 53 to 61 (suicide); and
 - (b) paragraphs 74 to 78 (bail).
26. In Schedule 22 (transitional, transitory and saving provisions)—
- (a) paragraph 7 (Chapter 1 of Part 2 transitional provision);
 - (b) paragraphs 8 to 11 (suicide);
 - (c) paragraph 25 (evidence of previous complaint);
 - (d) paragraph 28 (provision in respect of the Sentencing Council for England and Wales); and
 - (e) paragraph 39 (confiscation orders).
27. In Schedule 23 (repeals)—

(a) 1998 c. 29.

- (a) in Part 2 (criminal offences), the repeals relating to the Suicide Act 1961^(a) and to the Criminal Justice Act (Northern Ireland) 1966^(b); and
- (b) Part 6 (legal aid), so far as it is not already in force.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Coroners and Justice Act 2009 (c. 25) (“the 2009 Act”). Section 142 and associated repeals come into force immediately before 1st February 2010. The provisions of the 2009 Act set out in the Schedule come into force on 1st February 2010.

Article 2 brings section 142 of the 2009 Act (and associated repeals) into force and introduces the Schedule to this Order. Section 142 amends provision of the Domestic Violence, Crime and Victims Act 2004 (c. 28) (“the 2004 Act”) relating to the appointment and status of the Commissioner for Victims and Witnesses. Separate provision has been made to bring into force on 1st February 2010 the provisions of the 2004 Act relating to the Commissioner as amended in consequence of this Order.

Section 35 of the 2009 Act introduces Schedule 8 and relates to the appointment of the Chief Coroner and Deputy Chief Coroners.

In relation to the criminal law, sections 59 to 61 and Schedule 12 relate to encouraging or assisting suicide in England and Wales and in Northern Ireland. Section 72 extends the law of conspiracy in both England and Wales and Northern Ireland to cover conspiracy to commit an offence in another part of the United Kingdom.

In the area of criminal procedure, section 112 concerns the admissibility of evidence of previous complaints. Sections 114 and 115 relate to bail decisions in respect of defendants charged with murder. Sections 140 and 141 extend the powers of the appeal courts in England and Wales and in Northern Ireland in respect of appeals against confiscation orders.

Section 118(2) relates to Schedule 15, which makes provision about the appointment of members to the Sentencing Council for England and Wales.

Sections 149, 150 and 153 amend the Access to Justice Act 1999 (c. 22) (“the 1999 Act”) in relation to legal aid. Section 149 inserts provision to enable Community Legal Service pilot schemes. Section 150 relates to the exclusion from the Community Legal Service of services in connection with the carrying on of a business. Section 153 relates to the making of consequential, incidental and transitional provision in orders and regulations made under section 25 of the 1999 Act.

Sections 173 to 175 amend the Data Protection Act 1998 (c. 29). Section 173, which comes into force by virtue of this Order so far as it inserts section 41C of that Act, relates to the duty on the Information Commissioner to prepare and issue a code of practice in respect of new functions in connection with assessment notices. Section 174 inserts provision relating to the preparation of a data-sharing code of practice. Section 175 gives effect to Schedule 20 to the 2009 Act. This Order brings into force paragraphs 1 to 3 of that schedule which relate to data controllers’ registration.

Section 180 provides that where criminal justice provisions are applied for the purposes of service law they are to apply as amended by the 2009 Act.

The transitional provision in Article 3 of this Order relates to applications to the Legal Services Commission to fund services as part of the Community Legal Service in connection with the carrying on of a business.

(a) 1961 c. 60.
(b) 1966 c. 20.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Coroners and Justice Act 2009 (c. 25) have been brought into force by a commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 106 (partially)	14.12.2009	2009/3253
Section 107 (partially)	14.12.2009	2009/3253
Section 108 (partially)	14.12.2009	2009/3253
Section 109	14.12.2009	2009/3253
Section 110	14.12.2009	2009/3253
Section 139	12.01.2010	2010/28
Section 177 (partially)	12.01.2010	2010/28
Schedule 22 (partially)	12.01.2010	2010/28

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