

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Criminal Justice and Immigration Act 2008, Part 5 is up to date with all changes known to be in force on or before 17 April 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*

## SCHEDULES

### SCHEDULE 27

#### TRANSITORY, TRANSITIONAL AND SAVING PROVISIONS

#### PART 5

#### CRIMINAL LAW

##### *Penalties for possession of extreme pornographic images*

- 23 In section 67(4)(a) the reference to [<sup>F1</sup>the general limit in a magistrates' court] is to be read as a reference to 6 months in relation to an offence committed before [<sup>F2</sup>2 May 2022].

#### Textual Amendments

- F1** Words in Sch. 27 para. 23 substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), Sch. Pt. 1 table
- F2** Words in Sch. 27 para. 23 substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), Sch. Pt. 1

#### Commencement Information

- I1** Sch. 27 para. 23 in force at 26.1.2009 by S.I. 2008/2993, art. 2(2)(k)

##### *Indecent photographs of children*

- 24 (1) Section 69(3) applies in relation to things done as mentioned in—
- (a) section 1(1) of the Protection of Children Act 1978 (c. 37) (offences relating to indecent photographs of children), or
  - (b) section 160(1) of the Criminal Justice Act 1988 (c. 33) (offence of possession of indecent photographs of children),
- after the commencement of section 69.
- (2) Section 70(3) applies in relation to things done as mentioned in—
- (a) Article 3(1) of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)) (offences relating to indecent photographs of children), or
  - (b) Article 15(1) of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17)) (offence of possession of indecent photographs of children),
- after the commencement of section 70.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Criminal Justice and Immigration Act 2008, Part 5 is up to date with all changes known to be in force on or before 17 April 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*

*Maximum penalty for publication etc. of obscene articles*

- 25 Section 71 does not apply to offences committed before the commencement of that section.

**Commencement Information**

**I2** Sch. 27 para. 25 in force at 26.1.2009 by S.I. 2008/2993, art. 2(2)(k)

*Offences relating to nuclear material and nuclear facilities*

- 26 The new section 2 inserted into the Nuclear Material (Offences) Act 1983 (c. 18) by paragraph 4 of Schedule 17 and the repeal in Part 5 of Schedule 28 of section 14 of the Terrorism Act 2006 (c. 11) do not apply in relation to anything done before the date on which Schedule 17 comes into force.

**Commencement Information**

**I3** Sch. 27 para. 26 in force at 30.11.2009 by S.I. 2009/3074, art. 2(t)(ii)

*Reasonable force for purposes of self-defence etc.*

- 27 (1) Section 76 applies whether the alleged offence took place before, or on or after, the date on which that section comes into force.
- (2) But that section does not apply in relation to—
- (a) any trial on indictment where the arraignment took place before that date, or
  - (b) any summary trial which began before that date,
- or in relation to any proceedings in respect of any trial within paragraph (a) or (b).
- (3) Where the alleged offence is a service offence, that section similarly does not apply in relation to—
- (a) any proceedings before a court where the arraignment took place before that date, or
  - (b) any summary proceedings which began before that date,
- or in relation to any proceedings in respect of any proceedings within paragraph (a) or (b).
- (4) For the purposes of sub-paragraph (3) summary proceedings are to be regarded as beginning when the hearing of the charge, or (as the case may be) the summary trial of the charge, begins.
- (5) In this paragraph—
- “service offence” means—
- (a) any offence against any provision of Part 2 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18), Part 2 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or Part 1 of the Naval Discipline Act 1957 (c. 53); or
  - (b) any offence under Part 1 of the Armed Forces Act 2006 (c. 52);
- “summary proceedings” means summary proceedings conducted by a commanding officer or appropriate superior authority.

*Status:* This version of this part contains provisions that are prospective.

**Changes to legislation:** Criminal Justice and Immigration Act 2008, Part 5 is up to date with all changes known to be in force on or before 17 April 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](#)

#### Commencement Information

**I4** Sch. 27 para. 27 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), **Sch. 1 para. 49**

PROSPECTIVE

#### *Unlawfully obtaining etc. personal data: defences*

28 The amendment made by section 78 does not apply in relation to an offence committed before the commencement of that section.

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

Criminal Justice and Immigration Act 2008, Part 5 is up to date with all changes known to be in force on or before 17 April 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 the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)