



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—

Changes to legislation: Criminal Justice Act 2003, Section 330 is up to date with all changes known to be in force on or before 07 May 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

[^{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

Changes to legislation:

Criminal Justice Act 2003, Section 330 is up to date with all changes known to be in force on or before 07 May 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.

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Changes and effects yet to be applied to :

- s. 330(5)(a) words inserted by [2006 c. 48 s. 17\(5\)\(a\)](#)
- s. 330(5)(a) words inserted by [2015 c. 2 s. 10\(2\)](#)
- s. 330(5)(a) words omitted by [2022 c. 32 Sch. 11 para. 31\(a\)](#)
- s. 330(5)(aa) omitted by [2022 c. 32 Sch. 11 para. 31\(b\)](#)
- 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. 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. 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. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- 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(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. 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))
- 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. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)