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STATUTORY INSTRUMENTS

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**1988 No. 2073 (C.78)**

**CRIMINAL LAW, ENGLAND AND  
WALES  
CRIMINAL LAW, SCOTLAND**

**The Criminal Justice Act 1988  
(Commencement No.4) Order 1988**

*Made* - - - - *28th November 1988*

In exercise of the powers conferred on me by section 171(1) of the Criminal Justice Act 1988(1), I hereby make the following Order:

1. This Order may be cited as the Criminal Justice Act (Commencement No. 4) Order 1988.
2. The provisions of the Criminal Justice Act 1988 referred to in column 1 of the Schedule to this Order (which relate to the matters described in column 2 of that Schedule) shall come into force on 5th January 1989.

Home Office  
28th November 1988

*Douglas Hurd*  
One of Her Majesty's Principal Secretaries of  
State

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## SCHEDULE

Article 2

PROVISIONS OF THE CRIMINAL JUSTICE ACT  
1988 COMING INTO FORCE ON 5TH JANUARY 1989

(Column 1) Provisions of the Act (Column 2) Subject matter of the provisions	
Section 32, except subsections (1)(a) and (3).	Evidence through television links on trial on indictment for certain offences where witness is under age of 14.
Section 50.	Suspended and partly suspended sentences on certain civilians in courts-martial and Standing Civilian Courts.
Section 60.	Periods of imprisonment for default in payment of fines etc.
Section 61.	Procedure relating to imprisonment for default in payment of fines etc.
Section 62.	Fines on companies.
Section 118.	Abolition of peremptory challenge.
Section 120.	Discretionary deferral of jury service.
Section 130.	Computation of sentence – time passed in care of local authority in accommodation provided for restricting liberty.
Section 152.	Remands of suspected drug offenders to customs detention.
Section 153.	Court to give reasons for granting bail to a person accused of a serious offence.
Section 154.	Procedure where bail refused on previous hearing.
Section 170(1), to the extent necessary to bring into force the amendment in Schedule 15 of section 20(4) of the Juries Act 1974(2).	Consequential amendment relating to discretionary deferral of jury service.
Section 170(2), to the extent necessary to bring into force the provisions of Schedule 16 specified in Appendix A hereto.	Repeals.
In Schedule 15, the amendment of section 20(4) of the Juries Act 1974.	Consequential amendment relating to discretionary deferral of jury service.
So much of Schedule 16 as is specified in Appendix A hereto.	Repeals.

(2) 1974 c. 23.

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## APPENDIX A

### REPEALS TAKING EFFECT ON 5TH JANUARY 1989

Chapter	Short title	Extent of repeal
24 & 25 Vict. c. 100	Offences against the Person Act 1861.	Section 46.  In section 47, the words from “and” to the end.
1974 c. 23	Juries Act 1974.	In section 12(1)(a), the words “not more than three jurors without cause and”.
1977 c. 45	Criminal Law Act 1977.	Section 43.
1986 c. 32	Drug Trafficking Offences Act 1986.	In section 6, in subsection (1), paragraph (b) and the word “and” immediately preceding it, in subsection (3), the words “or 9” and subsection (5).

### EXPLANATORY NOTE

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

This Order brings into force on 5th January 1989 section 32, in part, sections 50, 60, 61, 62, 118, 120, 130, 152, 153 and 154 and section 170, in part, of the Criminal Justice Act 1988, and associated amendments and repeals in Schedules 15 and 16 to that Act. These provisions make miscellaneous changes to the law on criminal procedure and evidence. In relation to trial on indictment, they allow for the discretionary deferral of jury service, abolish the right of peremptory challenge of jurors, and enable evidence to be given by live television link by witnesses under the age of 14 in trials for certain offences. They also amend the law relating to bail applications and remands, computation of sentence where time has been spent in local authority care, and fine enforcement, and provide for the application of the law on suspended and partly suspended sentences in courts-martial and Standing Civilian Courts.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Act have been brought into force by Commencement Order made before the date of this Order:

Provisions	Date of commencement	S.I. No.
Section 123, Schedule 8, sections 125 to 128,	1.10.1988	1988/1408

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Provisions	Date of commencement	S.I. No.
Schedule 10, section 170(1) (partially), Schedule 15 (partially), section 170(2) (partially) and Schedule 16 (partially)		
Sections 33, 34, 37 to 39, 40 to 42, 49, 51 to 57, 59, 63, 70, 96, 97, 104 to 107, 121, 122, 131 to 133, 145, 147, 148, 155 to 157, 163 to 165, 170(1) (partially), 170(2) (partially), Schedule 11, Schedule 12, Schedule 15 (partially) and Schedule 16 (partially)	12.10.1988	<a href="#">1988/1676</a>
Section 124 and Schedule 9, section 170(2) (partially), and Schedule 16 (partially)	1.11.1988	<a href="#">1988/1817 (S.169)</a>