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STATUTORY INSTRUMENTS

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**2004 No. 1867 (C. 79)**

**CRIMINAL LAW, ENGLAND AND WALES  
POLICE, ENGLAND AND WALES**

**The Criminal Justice Act 2003  
(Commencement No. 5) Order 2004**

*Made - - - - 16th July 2004*

The Secretary of State, in exercise of the powers conferred upon him by section 336(3) and (4) of the Criminal Justice Act 2003<sup>(1)</sup>, hereby makes the following Order:

1. This Order may be cited as the Criminal Justice Act 2003 (Commencement No. 5) Order 2004.
2. Section 5 of the Criminal Justice Act 2003 (drug testing for under-eighteens) shall come into force on 1st August 2004 within the following police areas<sup>(2)</sup>:
  - (a) Cleveland;
  - (b) Greater Manchester;
  - (c) Humberside;
  - (d) Merseyside;
  - (e) metropolitan police district;
  - (f) Nottinghamshire; and
  - (g) West Yorkshire.

Home Office  
16th July 2004

*Caroline Flint*  
Parliamentary Under-Secretary of State

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<sup>(1)</sup> 2003 c. 44.

<sup>(2)</sup> The term “police area” has the meaning ascribed to it in section 101 of the Police Act 1996 (c. 16) by virtue of Schedule 1 to the Interpretation Act 1978 (c. 30).

**Status:** This is the original version (as it was originally made).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

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## EXPLANATORY NOTE

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

This Order brings into force on 1st August 2004 section 5 of the Criminal Justice Act 2003 (“the Act”) (drug testing for under-eighteens) within the Cleveland, Greater Manchester, Humberside, Merseyside, metropolitan police district, Nottinghamshire and West Yorkshire police areas. Section 5 amends section 38 (duties of custody officer after charge) and section 63B (testing for presence of Class A drugs) of the [Police and Criminal Evidence Act 1984 \(“PACE”\) \(c. 60\)](#)(3). Section 5(3) (d) of the Act provides that the amendments made by section 5 to section 63B of PACE apply only where the relevant chief officer has been notified by the Secretary of State that arrangements for the taking of samples under this section from persons who have not attained the age of 18 have been made for the police area as a whole, or for the particular police station, in which the person is in police detention; and the notice has not been withdrawn.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Criminal Justice Act 2003 have been brought into force by commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1, 2, 4, 6 to 8, 11 and 12 and Schedule 1 (amendments of Police and Criminal Evidence Act 1984)	20.1.2004	<a href="#">2004/81</a>
Section 3 (arrestable offences)	29.1.2004	<a href="#">2004/81</a>
Section 9 (taking fingerprints without consent)	5.4.2004	<a href="#">2004/829</a>
Section 10 (taking non-intimate samples without consent)	5.4.2004	<a href="#">2004/829</a>
Sections 13, 15(3), 16, 17 and 19 to 21 (bail)	5.4.2004	<a href="#">2004/829</a>
Sections 22 to 24 (conditional cautions)	3.7.2004	<a href="#">2004/1629</a>
Section 25 (conditional cautions, code of practice)	29.1.2004	<a href="#">2004/81</a>
Sections 26 and 27 (partially) (conditional cautions)	3.7.2004	<a href="#">2004/1629</a>

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(3) Section 63B was inserted into the Police and Criminal Evidence Act 1984 (c. 60) by section 57 of the Criminal Justice and Court Services Act 2000 (c. 43) and has been commenced in certain police areas by virtue of S.I. [2001/2232](#), S.I. [2002/1149](#), S.I. [2002/1862](#), S.I. [2003/709](#) and S.I. [2004/780](#).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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)	3.7.2004	2004/1629
Section 42 (mode of trial for certain firearms offences: transitory arrangements)	5.4.2004	2004/829
Section 49 (rules of court)	22.1.2004	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
Sections 139 to 141 (use of documents to refresh memory)	29.1.2004	2004/829
Sections 167, 168 (partially) and 169 to 173 (sentencing and allocation guidelines)	5.4.2004	2004/81
Section 174 (duty to give reasons for, and explain effect of, sentence) (partially)	27.2.2004	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 and sections 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:	14.6.2004	2004/829

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
modifications of Criminal Justice Act 1991)		
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	2003/3282
	22.1.2004	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	5.4.2004	2004/829

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
etc risks posed by sexual or violent offenders)		
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
Schedule 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	2004/81
	29.1.2004	
	27.2.2004	2004/829
	5.4.2004	
Section 333 and Schedule 38 (supplementary and consequential provision, etc) (partially)	27.2.2004	2004/81