

**2004 No.2066 (C.88)**

**SUPREME COURT OF ENGLAND AND WALES**  
**MAGISTRATES' COURTS, ENGLAND AND WALES**

**The Courts Act 2003 (Commencement No. 6 and Savings)**  
**Order 2004**

*Made* - - - -

*18th July 2004*

The Lord Chancellor, in exercise of the powers conferred upon him by sections 108(6) and 110 of the Courts Act 2003(a) hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Courts Act 2003 (Commencement No. 6 and Savings) Order 2004.

(2) In this Order, unless the context requires otherwise, a reference to a section or Schedule by number alone is to the section or Schedule so numbered in the Courts Act 2003.

**Commencement of provisions in the Courts Act 2003**

2. Subject to article 3, the following provisions come into force on 1<sup>st</sup> September 2004—

- (a) section 6(3) and Schedule 2 (abolition of magistrates' courts committees: transfers),
- (b) in Part 7 (procedure rules and practice directions)—
  - (i) section 69 (Criminal Procedure Rules),
  - (ii) section 72 (process for making Criminal Procedure Rules), and
  - (iii) section 73 (power to amend legislation in connection with the rules),
- (c) in Schedule 8 (minor and consequential amendments)—
  - (i) paragraph 67 (Indictments Act 1915)(b),
  - (ii) paragraph 71 (Criminal Justice Act 1925)(c),
  - (iii) paragraph 83 (Criminal Justice Act 1948)(d),
  - (iv) paragraph 107 (Road Traffic Act 1960)(e),

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(a) 2003 c. 39.  
(b) 1915 c. 90.  
(c) 1925 c. 86.  
(d) 1948 c. 58.  
(e) 1960 c. 16.

- (v) paragraph 122 for the purpose of amending the Backing of Warrants (Republic of Ireland) Act 1965(a) so far as it has effect by virtue of the Extradition Act 2003 (Commencement and Savings) Order 2003(b),
- (vi) paragraph 126 (Criminal Procedure (Attendance of Witnesses) Act 1965)(c),
- (vii) paragraph 145 (Attachment of Earnings Act 1971)(d),
- (viii) paragraphs 172 and 173 (Juries Act 1974)(e),
- (ix) paragraphs 182, 183(1) and (3), 186(1) and (2) (Bail Act 1976)(f),
- (x) paragraph 190 (Criminal Law Act 1977)(g),
- (xi) paragraphs 207, 219, 233, 234, 238, 245(1) and (2) for the purpose of creating an exception in relation to “any criminal cause or matter”, 246, 250 in so far as it relates to the definitions of “the rules” and “prescribed”, 251 (Magistrates’ Courts Act 1980)(h),
- (xii) paragraph 286 (Police and Criminal Evidence Act 1984)(i),
- (xiii) paragraph 290(1) and (3) (Prosecution of Offences Act 1985)(j),
- (xiv) paragraphs 324, 327, 328, 329(1) and (4), 330(1), (2) and (3)(a) for the purpose of amending the Extradition Act 1989(k) so far as it has effect by virtue of the Extradition Act 2003 (Commencement and Savings) Order 2003(l),
- (xv) paragraph 355(a) (Social Security Administration Act 1992)(m),
- (xvi) paragraph 362 (Vehicle Excise and Registration Act 1994)(n),
- (xvii) paragraph 364 (Drug Trafficking Act 1994)(o),
- (xviii) paragraphs 377 to 381 (Criminal Procedure and Investigations Act 1996)(p),
- (xix) paragraphs 384, 386 and 387 (Youth Justice and Criminal Evidence Act 1999)(q),
- (xx) paragraphs 389 and 390 (Terrorism Act 2000)(r),
- (xxi) paragraphs 403 and 405 (International Criminal Court Act 2001)(s), and
- (xxii) paragraph 410 (Proceeds of Crime Act 2002)(t),
- (d) in Schedule 10 (repeals), the entries relating to—
  - (i) section 33(4) of the Criminal Justice Act 1925(u),
  - (ii) section 25(1) of the Attachment of Earnings Act 1971(v),
  - (iii) section 2 of the Bail Act 1976,

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(a) 1965 c. 45.

(b) S.I. 2003/3103, amended by S.I. 2003/3258 and S.I. 2003/3312.

(c) 1965 c. 69.

(d) 1971 c. 32.

(e) 1974 c. 23.

(f) 1976 c. 63.

(g) 1977 c. 45.

(h) 1980 c. 43.

(i) 1984 c. 60.

(j) 1985 c. 23.

(k) 1989 c. 33.

(l) S.I. 2003/3103, amended by S.I. 2003/3258 and S.I. 2003/3312.

(m) 1992 c. 5.

(n) 1994 c. 22.

(o) 1994 c. 37.

(p) 1996 c. 25.

(q) 1999 c. 23.

(r) 2000 c. 11.

(s) 2001 c. 17.

(t) 2002 c. 29.

(u) 1925 c. 86; section 33(4) was amended by the Magistrates’ Courts Act 1980 (c.43), section 154 and Schedule 7, paragraph 5.

(v) 1971 c. 32; a relevant amendment was made to section 25(1) by the Magistrates’ Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 101(a).

- (iv) sections 145 and 150(1) in so far as it relates to the definition of “the rules”, of, and paragraphs 5, 101(a) and 151 of Schedule 7 to, the Magistrates’ Courts Act 1980(a),
- (v) Schedule 5 to the Supreme Court Act 1981(b), in so far as it relates to the Criminal Justice Act 1948,
- (vi) section 80(2) of the Access to Justice Act 1999(c), and
- (vii) section 65(2) of the Youth Justice and Criminal Evidence Act 1999, and
- (e) section 109(1) and (3) to the extent necessary for those amendments and repeals.

**Saving**

3. The amendment or repeal of any enactment, coming into effect under article 2(c) or (d), shall not affect the operation of that enactment in relation to rules of court other than Criminal Procedure Rules during the period between 1<sup>st</sup> September 2004 and the coming into force of the first Criminal Procedure Rules made under section 69 of the Courts Act 2003.

Signed by authority of the Lord Chancellor

*Christopher Leslie*

Parliamentary Under Secretary of State  
Department for Constitutional Affairs

Dated 18th July 2004

**EXPLANATORY NOTE**

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

This Order brings into force on 1<sup>st</sup> September 2004 section 6(3) and Schedule 2 (abolition of magistrates’ courts committees: transfers), section 69 (Criminal Procedure Rules), section 72 (process for making Criminal Procedure Rules) and section 73 (power to amend legislation in connection with the rules) of the Courts Act 2003.

It also brings into force on 1<sup>st</sup> September 2004 a number of minor consequential amendments and repeals in Schedules 8 and 10 to the Courts Act 2003, relating to the establishment of the Criminal Procedure Rule Committee and the making of Criminal Procedure Rules. But the amendment or repeal of any enactment, by those provisions, shall not affect the operation of that enactment in relation to rules of court other than Criminal Procedure Rules during the period between 1<sup>st</sup> September 2004 and the coming into force of the first Criminal Procedure Rules.

**NOTE AS TO EARLIER COMMENCEMENT ORDERS**

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

The following provisions of the Courts Act 2003 have been, or are to be, 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>
section 4	1.6.04	2004/798
section 62	26.1.04	2003/3345
section 63	26.1.04	2003/3345

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(a) 1980 c. 43; a relevant amendment was made to section 145 by the Access to Justice Act 1999 (c. 22), section 80(2).  
 (b) 1981 c. 54.  
 (c) 1999 c. 22.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 64	26.1.04	2003/3345
section 66 (partially)	26.1.04	2003/3345
section 67	26.1.04	2003/3345
section 68	26.1.04	2003/3345
section 70	26.1.04	2003/3345
section 71	26.1.04	2003/3345
section 74	26.1.04	2003/3345
section 77	26.1.04	2003/3345
section 78	26.1.04	2003/3345
section 81	26.1.04	2003/3345
section 83	26.1.04	2003/3345
section 84	26.1.04	2003/3345
section 86	1.5.04	2004/1104
section 87	1.5.04	2004/1104
section 93	1.2.04	2004/174
section 95	5.4.04	2004/174
section 96	5.4.04	2004/174
section 97 (partially)	23.2.04	2004/174
section 97 (partially)	29.3.04	2004/174
section 97 (partially)	5.4.04	2004/174
section 97 (partially)	1.5.04	2004/1104
section 98 (partially)	26.1.04	2003/3345
section 99	15.3.04	2004/401
section 102	26.1.04	2003/3345
section 103	1.5.04	2004/1104
section 104	1.5.04	2004/1104
section 106	1.5.04	2004/1104
Schedule 1	1.6.04	2004/798
Schedule 5 (partially)	23.2.04	2004/174
Schedule 5 (partially)	29.3.04	2004/174
Schedule 5 (remainder)	5.4.04	2004/174
Schedule 6 (and section 97(2) in so far as it relates to the paragraph specified below) paragraph 1(2) (partially)	1.5.04	2004/1104
Schedule 7	15.3.04	2004/401
Schedule 8 (and section 109(1)) (partially)	1.2.04	2004/174
Schedule 8 (and section 109(1)) (partially)	15.3.04	2004/401
Schedule 9 (and section 109(2) insofar as it relates to the paragraph specified below) paragraph 15 (partially)	23.2.04	2004/174
paragraph 15 (partially)	29.3.04	2004/174
paragraph 15 (remainder)	5.4.04	2004/174
Schedule 10 (and section 109(3)) (partially)	26.1.04	2003/3345
Schedule 10 (and section 109(3)) (partially)	15.3.04	2004/401
Schedule 10 (and section 109(3)) (partially)	1.5.04	2004/1104







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