

**2005 No. 373 (C.16)**

**CRIMINAL LAW, ENGLAND AND WALES**

**CRIMINAL LAW, NORTHERN IRELAND**

**The Criminal Justice Act 2003 (Commencement No.7)  
Order 2005**

Made - - - -

21st February 2005

The Secretary of State, in exercise of the powers conferred upon him by section 336(3) of the Criminal Justice Act 2003 (a) hereby makes the following Order:

1. This Order may be cited as the Criminal Justice Act 2003 (Commencement No.7) Order 2005.

2.—(1) The provisions of the Criminal Justice Act 2003 listed in paragraph (2) shall come into force on 7<sup>th</sup> March 2005.

(2) The provisions referred to in paragraph (1) are—

- (a) section 97 (application of Criminal Appeal Acts to proceedings under Part 10);
- (b) section 158(1)(b) (meaning of “pre-sentence report”);
- (c) section 159(4) (disclosure of pre-sentence reports);
- (d) section 178 (power to provide for court review of community orders);
- (e) section 197(3) and (4) (meaning of “the responsible officer”), in so far as it is not already in force;
- (f) section 202(3)(b) (programme requirement), in so far as it is not already in force;
- (g) section 215(3) (electronic monitoring requirement), in so far as it is not already in force;
- (h) section 217(3) (requirement to avoid conflict with religious beliefs etc), in so far as it is not already in force;
- (i) section 222 (rules), in so far as it is not already in force;
- (j) section 223 (power to amend limits), in so far as it is not already in force;
- (k) section 239(5) and (6) (the Parole Board), in so far as it is not already in force;
- (l) section 240(4)(a) (crediting periods of remand in custody);
- (m) section 246(5) (power to release prisoners on licence before required to do so), in so far as it is not already in force;
- (n) section 250(1), (2)(b)(ii), (4)(b)(ii) and (8) (licence conditions), in so far as it is not already in force;
- (o) section 253(5) (curfew condition to be included in licence under section 246), in so far as it is not already in force;

- (p) section 257(1) (additional days for disciplinary offences), in so far as it is not already in force;
- (q) section 260(6) (early removal of prisoners liable to removal from United Kingdom);
- (r) section 267 (alteration by order of relevant proportion of sentence);
- (s) section 300(6) for the purposes of the provision mentioned in sub-paragraph (t);
- (t) in Schedule 31 (default orders), paragraph 5 (power to alter money or number of hours or days);
- (u) section 301(5) (fine defaulters:driving disqualification).

Home Office  
21st February 2005

*Scotland of Asthal*  
Minister of State

## EXPLANATORY NOTE

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

This Order brings into force the provisions of the Criminal Justice Act 2003 (c.44) listed in article 2(2) (which variously enable the making of delegated legislation) on 7<sup>th</sup> March 2005.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the 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	2004/81
Section 3 (arrestable offences)	29.1.2004	2004/81
Section 5 (partially) (drug testing for under-eighteens)	1.8.2004	2004/1867
Section 9 (taking fingerprints without consent)	5.4.2004	2004/829
Section 10 (taking non-intimate samples without consent)	5.4.2004	2004/829
Sections 13, 15(3), 16, 17 and 19 to 21 (bail)	5.4.2004	2004/829
Sections 22 to 24 (conditional cautions)	3.7.2004	2004/1629
Section 25 (conditional cautions, code of practice)	29.1.2004	2004/81
Sections 26 and 27 (partially) (conditional cautions)	3.7.2004	2004/1629
Section 28 and Schedule 2 (partially) and section 31 (charging etc)	29.1.2004 3.7.2004	2004/81 2004/1629
Section 40 (code of practice for police interviews of witnesses notified by accused)	5.4.2004	2004/829
Section 42 (mode of trial for certain firearms offences: transitory arrangements)	22.1.2004	2004/81
Section 49 (rules of court)	29.1.2004	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
Sections 98 to 113 and Schedule 6 (evidence of bad character)	29.1.2004, 15.12.2004, 1.1.2005	2004/81 2004/3033
Section 132 (rules of court)	29.1.2004	2004/81
Section 139 to 141 (use of documents to refresh memory)	5.4.2004	2004/829
Sections 167, 168 (partially) and 169 to 173 (sentencing and allocation guidelines)	27.2.2004	2004/81

Section 174 (duty to give reasons for, and explain effect of, sentence) (partially)	5.4.2004	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, 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: modifications of Criminal Justice Act 1991)	14.6.2004	2004/829
Section 279 and Schedule 24 (drug treatment and testing requirement in action plan order or supervision order) (partially)	1.12.2004	2004/3033
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 22.1.2004	2003/3282 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

Sections 313 and 314 (extension of investigations by Criminal Cases Review Commission in England and Wales and Northern Ireland)	1.9.2004	2004/1629
Sections 316 and 317 (power to substitute conviction of alternative offence on appeal in England and Wales and Northern Ireland)	1.9.2004	2004/1629
Section 318 (substitution of conviction on different charge on appeal from court-martial)	1.9.2004	2004/1629
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 etc risks posed by sexual or violent offenders)	5.4.2004	2004/829
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
Section 331 and Schedule 36 (further minor and consequential amendments) (partially)	5.4.2004 1.9.2004 15.12.2004 1.1.2005	2004/829 2004/1629 2004/3033
Section 332 and Schedule 37 (repeals) (partially)	20.1.2004, 29.1.2004, 27.2.2004 5.4.2004, 15.12.2004	2004/81 2004/829 2004/3033
Section 333 and Schedule 38 (supplementary and consequential provision, etc.) (partially)	27.2.2004	2004/81





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