

SCHEDULE 1

Article 2

PROVISIONS OF THE CRIMINAL JUSTICE ACT  
2003 COMING INTO FORCE ON 4TH APRIL 2005

1. Section 18 (bail: appeal by prosecution).
2. In relation to England and Wales, sections 32, 33(2), 36 to 38, and 39 except in so far as it inserts new section 11(4), (7) and (11) of the Criminal Procedure and Investigations Act 1996 <sup>M1</sup>.

**Marginal Citations**

**M1** 1996 c. 25.

3. Section 41 (allocation of offences triable either way) in so far as it relates to the provisions referred to in paragraph 29.
4. Sections 57 to 61, 67 to 72 and 74 (prosecution appeals).
5. Sections 75 to 92, 94 and 95 (retrial for serious offences).
6. Sections 114 to 131 and 133 to 136 (hearsay evidence).
7. Sections 142 to 150, 152, 153, 156 to 160, 162 to 166, 174 and 175 (general provisions about sentencing) (in the case of sections 158, 159 and 174 in so far as they are not already in force).
8. Sections 177, 179 and 180 (community orders).
9. Sections 189 to 194 (suspended sentences) <sup>M2</sup>.

**Marginal Citations**

**M2** See [S.I. 2005/643](#), which makes transitory provision in relation to suspended and community sentences, and the sentencing of offenders aged 18 but under 21. Affected provisions are sections 189, 224, 225, 227, 236, 237, 238, 240, 250, 258, 263, 264, 265, and Schedules 8, 12 and 18.

10. Section 195 (interpretation) in so far as it is not already in force.
11. Section 196(1)(a) and (c) (meaning of relevant order).
12. Sections 197 and 198 (responsible officers) in so far as they are not already in force.
13. Sections 199 to 204(1) to (3) and (6), and 205 to 213(1) to (3)(a) and (d) (requirements available in case of all offenders) in so far as they are not already in force.
14. Section 214 (requirements available only in case of offenders aged under 25) in so far as it is not already in force.
15. Section 215 (electronic monitoring) in so far as it is not already in force.
16. Sections 216(1) and 217 to 220 (provisions applying to relevant orders generally) in so far as they are not already in force.
17. Section 221 (provision of attendance centres) in so far as it is not already in force.
18. Sections 224 to 236 (dangerous offenders).
19. Sections 237 to 244(1), (2) and (3)(a) and (d), 246 to 250(1) and (4) to (7), 252 to 257 (except 257(2)(c)), 258 to 261, 263, 264 (1) to (3), (6) and (7), 265, and 268 (release on licence), in so far as they are not already in force.

20. Section 278 and Schedule 23 (deferment of sentence).
21. Section 302 (execution of process between England and Wales and Scotland) in so far as it is not already in force.
22. Section 303(a), (c) and (d) (sentencing: repeals).
23. Section 304 (amendments relating to sentencing) in so far as it relates to the provisions referred to in paragraph 42.
24. Section 305 (interpretation of Part 12) in so far as it is not already in force.
25. Sections 308 to 312, 315 and 319 (miscellaneous provisions about criminal proceedings).
26. Section 331 (further minor and consequential amendments) in so far as it relates to the provisions referred to in paragraph 43.
27. Section 332 (repeals) in so far as it relates to the provisions referred to in paragraph 44.
28. Section 333(6) (supplementary and consequential provision) in so far as it relates to the provision referred to in paragraph 45.
29. In Schedule 3 (allocation of cases triable either way)—
  - (a) paragraph 18—
    - (i) in so far as it inserts new section 51A of the Crime and Disorder Act 1988<sup>M3</sup>, except subsection (3)(a) to (c) of that section; and
    - (ii) in so far as it inserts new sections 51D and 51E, in relation to cases sent under 51A(3) (d) of that Act;
  - (b) paragraph 23 in so far as it inserts new section 3C of the Sentencing Act<sup>M4</sup>; and
  - (c) paragraphs 27 and 28 in relation to cases committed under section 3C of the Sentencing Act.

**Marginal Citations**

**M3** [1998 c. 37.](#)

**M4** [2000 c. 6.](#)

30. Parts 1 and 3 of Schedule 5 (qualifying offences for purposes of Schedule 10).
31. Schedule 7 (hearsay evidence: armed forces).
32. Schedule 8 (breach, revocation or amendment of community order)<sup>M5</sup>.

**Marginal Citations**

**M5** [Schedule 8](#) is amended by Schedule 5 to the [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#).

33. Schedule 9 (transfer of community orders to Scotland or Northern Ireland).
34. Schedule 12 (breach or amendment of suspended sentence order, and effect of further conviction).
35. Schedule 13 (transfer of suspended sentence orders to Scotland or Northern Ireland).
36. Schedule 14 (persons to whom copies of requirements to be provided in particular cases) in so far as it is not already in force.
37. Schedule 15 (specified offences for purposes of Chapter 5 of Part 12).

38. Schedule 16 (Scottish offences specified for the purposes of section 229(4)).
39. Schedule 17 (Northern Ireland offences specified for the purposes of section 229(4)).
40. Schedule 18 (release of prisoners serving sentences of imprisonment or detention for public protection).
41. Schedule 19 (parole board: supplementary provisions) in so far as it is not already in force.
- 42.—(1) The following paragraphs of Schedule 32 (amendments relating to sentencing).
  - (2) Paragraph 1 (Piracy Act 1837 (c. 88)).
  - (3) Paragraph 2 (Children and Young Persons Act 1933 (c. 12)).
  - (4) Paragraph 3 (Prison Act 1952 (c. 52)).
  - (5) Paragraphs 4 to 6 (Criminal Justice Act 1967 (c. 80)).
  - (6) Paragraphs 7 to 10 (Criminal Appeal Act 1968 (c. 19)).
  - (7) Paragraphs 12 (in so far as it is not already in force) and 13 (Firearms Act 1968 (c. 27)).
  - (8) Paragraph 14 (Social Work (Scotland) Act 1968 (c. 49)).
  - (9) Paragraph 15 (Children and Young Persons Act 1969 (c. 54)).
  - (10) Paragraph 16 (Immigration Act 1971 (c. 77)).
  - (11) Paragraph 18 (Rehabilitation of Offenders Act 1974 (c. 53)).
  - (12) Paragraphs 20 to 23 (Bail Act 1976 (c. 3)).
  - (13) Paragraph 24 (Criminal Law Act 1977 (c. 45)).
  - (14) Paragraphs 25, 26 and 30 (Magistrates' Courts Act 1980 (c. 43)).
  - (15) Paragraph 31 (Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)).
  - (16) Paragraph 32 (Public Passenger Vehicles Act 1981 (c. 14)).
  - (17) Paragraphs 34 to 36 (Criminal Justice Act 1982 (c. 47)).
  - (18) Paragraphs 37 to 39 (Mental Health Act 1983 (c. 20)).
  - (19) Paragraphs 40, 41, and 43 in so far as it is not already in force (Repatriation of Prisoners Act 1984 (c. 47)).
  - (20) Paragraph 44 (Police and Criminal Evidence Act 1984 (c. 60)).
  - (21) Paragraph 45 to 47 (Criminal Justice Act 1988 (c. 33)).
  - (22) Paragraph 54 and paragraph 52 in so far as it relates to it (Road Traffic Offenders Act 1988 (c. 53)).
  - (23) Paragraphs 55 and 56 (Football Spectators Act 1989 (c. 37)).
  - (24) Paragraphs 59 to 61 (Children Act 1989 (c. 41)).
  - (25) Paragraph 64 and paragraph 62 in so far as it relates to it (Criminal Justice Act 1991 (c. 53)).
  - (26) Paragraph 65 (Aggravated Vehicle-Taking Act 1992 (c. 11)).
  - (27) Paragraph 67 (Criminal Justice and Public Order Act 1994 (c. 33)).
  - (28) Paragraph 68(1), (3) and (4) (Goods Vehicles (Licensing of Operators) Act 1995 (c. 23)).
  - (29) Paragraphs 69 to 72 (Criminal Procedure (Scotland) Act 1995 (c. 46)).
  - (30) Paragraph 73 (Education Act 1996 (c. 56)).
  - (31) Paragraphs 74 to 81 (Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))).
  - (32) Paragraphs 82, 83(4), 85 and 86 (Crime (Sentences) Act 1997 (c. 43)).

(33) Paragraphs 87 to 89 (Crime and Disorder Act 1998 (c. 37)).

(34) Paragraphs 91 to 98, 100 to 102(1), (2)(a), and (4), 103 to 108, 109(3)(a) and 109(1) in so far as it relates to it, 110 to 121, 123 (except subparagraph (3) and in sub-paragraph (5) the words “paragraph 7 of Schedule 3 of” and “paragraph 4(2)(a) or 5(2)(a) of Schedule 3 or”), 124, 126 to 129, and paragraph 90 in so far as it relates to them (the Sentencing Act).

(35) Paragraphs 130 to 132 (Child Support, Pensions and Social Security Act 2000 (c. 19)).

(36) Paragraphs 133 to 138 (Criminal Justice and Court Services Act 2000 (c. 43)).

(37) Paragraph 139 (International Criminal Court Act 2001 (c. 17)).

(38) Paragraph 141 (Proceeds of Crime Act 2002 (c. 29)).

(39) Paragraphs 142 to 144 (Sexual Offences Act 2003 (c. 42)).

**43.** In Schedule 36 (further minor and consequential amendments)—

- (a) in relation to England and Wales, Part 3 (disclosure);
- (b) in Part 5 (evidence), paragraphs 81 to 84 in so far as they are not already in force; and
- (c) in Part 6 (miscellaneous), paragraphs 87, 88, 90, 95 (and 91 in so far as it relates to it) and 96.

**44.**—(1) The following entries in Schedule 37 (repeals).

(2) In relation to England and Wales, Part 3 (disclosure).

(3) Part 6 (hearsay evidence).

(4) In Part 7 of Schedule 37 (repeals)—

- (a) the entry relating to the Piracy Act 1837 (c. 88);
- (b) the entry relating to the Criminal Justice Act 1967 <sup>M6</sup>;
- (c) the entry relating to the Criminal Appeal Act 1968 <sup>M7</sup>;
- (d) the entry relating to the Social Work (Scotland) Act 1968 <sup>M8</sup>;
- (e) the entry relating to the Bail Act 1976 <sup>M9</sup>;
- (f) the entry relating to the Magistrates' Courts Act 1980 <sup>M10</sup> in so far as it extends to Schedule 6A of that Act;
- (g) the entry relating to the Mental Health Act 1983 <sup>M11</sup>;
- (h) the entry relating to the Road Traffic Offenders Act 1988 <sup>M12</sup>;
- (i) the entry relating to the Football Spectators Act 1989 <sup>M13</sup> in so far as it extends to section 7(9) of that Act;
- (j) the entry relating to the Children Act 1989 <sup>M14</sup>;
- (k) the entry relating to the Criminal Justice Act 1991 <sup>M15</sup> in so far as it extends to sections 32 to 51 and Schedule 5 of that Act;
- (l) the entry relating to the Prisoners and Criminal Proceedings (Scotland) Act 1993 <sup>M16</sup>;
- (m) the entry relating to the Criminal Justice and Public Order Act 1994 <sup>M17</sup>;
- (n) the entry relating to the Criminal Procedure (Scotland) Act 1995 <sup>M18</sup>;
- (o) the entry relating to the Crime (Sentences) Act 1997 <sup>M19</sup> in so far as it extends to Schedules 1, 2 and 4 of that Act;
- (p) the entry relating to the Crime and Disorder Act 1998 <sup>M20</sup> in so far as it extends to sections 18, 38, 59 and 60, 99 and 100, 101, 103 to 105 and 121 of that Act;

- (q) the entry relating to the Access to Justice Act 1999 <sup>M21</sup>;
  - (r) the entry relating to the Sentencing Act in so far as it extends to sections 6, 12, 34 to 36A, 36B, 37, 40A, 41 to 59, 62, 69, 73, 79 to 82, 84, 85, 87 and 88, 100, 109,110, 111,112 to 115, 116 and 117, 118 to 125, 126 to 129, 151 to 153, 156 to 158, 159 and 160, 161, 162, 163, and 168 of, and Schedules 2,4 7 and 8 to, that Act;
  - (s) the entry relating to the Terrorism Act 2000 (c. 11);
  - (t) the entry relating to the Criminal Justice and Court Services Act 2000 <sup>M22</sup> in so far as it extends to sections 47 to 51, 53 to 55, 63 and 78(1) of and Schedule 7 to that Act; and
  - (u) the entry relating to the Anti-Terrorism, Crime and Security Act 2001 <sup>M23</sup>.
- (5) In Part 12 (miscellaneous) the entry relating to section 12 of the Magistrates' Courts Act 1980 <sup>M24</sup>.

**Marginal Citations**

<b>M6</b>	1967 c. 80.
<b>M7</b>	1968 c. 19.
<b>M8</b>	1968 c. 49.
<b>M9</b>	1976 c. 63.
<b>M10</b>	1980 c. 43.
<b>M11</b>	1983 c. 20.
<b>M12</b>	1988 c. 53.
<b>M13</b>	1989 c. 37.
<b>M14</b>	1989 c. 41.
<b>M15</b>	1991 c. 53.
<b>M16</b>	1999 c. 9.
<b>M17</b>	1994 c. 33.
<b>M18</b>	1995 c. 46.
<b>M19</b>	1997 c. 43.
<b>M20</b>	1998 c. 37.
<b>M21</b>	1999 c. 22.
<b>M22</b>	2000 c. 43.
<b>M23</b>	2001 c. 24.
<b>M24</b>	1980 c. 43.

45. Paragraph 7 of Schedule 38 (transitory, transitional and saving provisions).

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Justice Act 2003 (Commencement No.8 and Transitional and Saving Provisions) Order 2005, SCHEDULE 1.