

SCHEDULE 2

TRANSITIONAL AND SAVING PROVISIONS

Pre commencement offences

Savings relating to Parts 2, 5 and 9 of the 2003 Act

2. The coming into force of the provisions referred to in paragraphs 2, 43(a) and 44(2) of Schedule 1 to this Order is of no effect in relation to alleged offences into which a criminal investigation within the meaning of section 1(4) of the Criminal Procedure and Investigation Act 1996(1) has begun before 4th April 2005.

3.—(1) In the case of any criminal proceedings falling under paragraph (2)—

- (a) the coming into force of sections 18, 57 to 61, 67 to 72 and 74 of the 2003 Act confers no additional prosecution right of appeal;
- (b) the coming into force of sections 309 and 310 of the 2003 Act confers no additional power to order a preparatory hearing on a judge of the Crown Court; and
- (c) the coming into force of section 311 of the 2003 Act does not alter the jurisdiction in which reporting restrictions may apply in those proceedings.

(2) The criminal proceedings to which this paragraph applies are those in which one of the following occurred before 4th April 2005—

- (a) the defendant was committed for trial;
- (b) the proceedings were transferred to the Crown Court under section 53 of the Criminal Justice Act 1991(2) or section 4 of the Criminal Justice Act 1987(3);
- (c) an order was made by a magistrates court that the accused be sent for trial for an indictable only offence under section 51 of the Crime and Disorder Act 1998(4); or
- (d) a bill of indictment was preferred by the direction or with the consent of a judge of the High Court.

Transitional Provisions relating to Chapter 1 of Part 12

4. Where a court is dealing with an offender in relation to an offence committed before 4th April 2005, section 156 of the 2003 Act shall be treated as if—

- (a) the references in subsection (1) to section 148(1), (2)(b) or (3)(b), section 152(2) and 153(2) of that Act were references to section 35(1) and (3)(b), 79(2)(a) and 80(2)(a) of the Sentencing Act;
- (b) the references in subsection (2) to section 148(2)(a) and (3)(a) of that Act were to section 35(3)(a) of the Sentencing Act;
- (c) the references in subsection (3)(a) to section 152(2), 153(2), 225(1)(b), 226(1)(b), 227(1)(b), 228(1)(b)(i) were references to sections 79(2), or 80(2) of the Sentencing Act; and
- (d) the references in subsection (3)(b) to sections 148(1), (2)(b) and (3)(b) of that Act were to sections 35(1) and (3)(b) of the Sentencing Act.

(1) 1996 c. 25.

(2) 1991 c. 53.

(3) 1987 c. 38.

(4) 1998 c. 37.

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

Saving Provisions relating to Chapters 1 to 5 of Part 12

5.—(1) The coming into force of the provisions mentioned in paragraph (2) is of no effect in relation to an offence committed before 4th April 2005.

(2) The provisions to which this paragraph applies are—

- (a) sections 146 to 150, 152, 153, 166, 177, 179, 180, and 189 to 194 of and Schedules 8, 9, 12, 13 and 14 to the 2003 Act;
- (b) in Schedule 32 (amendments relating to sentencing), paragraphs 2, 5 and 6(a), 8 and 9, 12(4) and (5), 13 to 15, 18(1) and (3), 20 to 23, 26, 31, 32, 35, 36, 38, 47, 54, 59 to 61, 64, 67, 68(1), (3) and (4), 69 to 81, 88, 89, 91, 92, 94 to 97(2) and (3), 98, 99, 100(2) and (3), 101, 102(1) and (2)(a), 103, 104(2) and (3), 105, 106(2), 107, 110, 122, 123, and 125 to 129, 130 to 132, 134, 135, 138, 141, and 144;
- (c) in Part 7 of Schedule 37 (repeals)—
 - (i) the entry relating to section 18 of the Crime and Disorder Act 1998**(5)**;
 - (ii) the entry relating to section 104(1) of the Criminal Justice Act 1967**(6)**;
 - (iii) the entry relating to section 11(4) of the Criminal Appeal Act 1968**(7)**;
 - (iv) the entry relating to the Social Work (Scotland) Act 1968**(8)**;
 - (v) the entry relating to the Bail Act 1976**(9)**;
 - (vi) the entry relating to Schedule 6A of the Magistrates' Courts Act 1980**(10)**;
 - (vii) the entry relating to the Road Traffic Offenders Act 1988**(11)**;
 - (viii) the entry relating to section 7(9) of the Football Spectators Act 1989**(12)**;
 - (ix) the entry relating to the Children Act 1989**(13)**;
 - (x) the entry relating to the Criminal Justice and Public Order Act 1994**(14)**;
 - (xi) the entry relating to the Criminal Procedure (Scotland) Act 1995**(15)**;
 - (xii) the entry relating to sections 34 to 36A, 36B, 37(9), 40A(4) and (9), 41 to 59, 62, 79 and 80, 85, 109, 118 to 125, 151 to 153, 158 to 161(2) to (4) and 163 of and Schedules 2, 4, 7 and 8 to the Sentencing Act;
 - (xiii) the entry relating to section 47 to 51, 53 to 55, 63 and 78(1) of and Schedule 7 to the Criminal Justice and Court Services Act 2000**(16)**.

(3) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of paragraph (1) to have been committed on the last of those days.

6. The coming into force of—

- (a) paragraphs 37, 38, 46, 93, 117, 120 and 124 of Schedule 32 to the 2003 Act; and
- (b) Part 7 of Schedule 37 to the 2003 Act in so far as it relates to—

(5) 1998 c. 37.
(6) 1967 c. 80.
(7) 1968 c. 19.
(8) 1968 c. 49.
(9) 1976 c. 63.
(10) 1980 c. 43.
(11) 1988 c. 53.
(12) 1989 c. 37.
(13) 1989 c. 41.
(14) 1994 c. 33.
(15) 1995 c. 46.
(16) 2000 c. 43

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- (i) section 37(1B) of the Mental Health Act 1983;
 - (ii) sections 112 to 115, and 127 of the Sentencing Act,
- is of no effect in a case in which a court is dealing with a person whose sentence falls to be imposed under section 109 of the Sentencing Act.