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STATUTORY INSTRUMENTS

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**2007 No. 3340 (C. 138)**

**CRIMINAL LAW, NORTHERN IRELAND**

**The Criminal Justice Act 2003  
(Commencement No. 18) Order 2007**

*Made - - - - 26th November 2007*

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

**Citation and extent**

1.—(1) This Order may be cited as the Criminal Justice Act 2003 (Commencement No. 18) Order 2007.

(2) The Order extends to Northern Ireland.

**Commencement on 3rd December 2007**

2. The following provisions of the Criminal Justice Act 2003 shall come into force on 3rd December 2007—

- (a) section 328 and 332;
- (b) Schedule 35, paragraphs 1, 6(1), 6(2) and 6(3), 7, 8, 9, 10, 11, 12(a) and 12(b); and
- (c) Schedule 37, Part 11.

Northern Ireland Office  
26th November 2007

*Paul Goggins*  
Minister of State

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## EXPLANATORY NOTE

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

This Order commences for Northern Ireland provisions in the Criminal Justice Act 2003 that make amendments to Part V of the Police Act 1997 dealing with criminal records.

## 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 orders 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	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 5 to the extent not already in force	1.12.2005	2005/3055
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, 18, 19 to 21 (bail)	5.4.2004	2004/829
	4.4.2005	2005/950
Sections 14 (offences committed while on bail) and 15(1) and (2) (failure to surrender by persons released on bail) for the purposes only of any	3.7.2004	2004/1629
offence) (partially) and paragraph 3 of Schedule 36 (minor and consequential).	1.1.2007	2006/3217
Sections 22 to 24 (conditional cautions)		

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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)	29.1.2004	2004/81
and	1.10.2007	2007/2874
section 31 (charging etc)	3.7.2004	2004/1629
Section 29(1) to (3), (5) and (6) (new method of instituting proceedings) (partially) and 30 (further provision about the new method) (partially)	25.7.2007	2007/1999
Sections 32, 33(2), 36 to 38 and 39 (disclosure)	4.4.2005	2005/950
	15.7.2005	2005/1817
Section 33(1) (partially)	24.7.2006	2006/1835
Section 40 (code of practice for police interviews of witnesses notified by accused)	5.4.2004	2004/829
Section 41 (allocation of offences triable either way)	4.4.2005	2005/950
(partially) and Schedule 3 (partially)	9.5.2005	2005/1267
Section 42 (mode of trial for certain firearms offences: transitory arrangements)	22.1.2004	2004/81
Section 44 (jury tampering), 45 (procedure for applications), 46 (discharge of jury because of jury tampering), 47 (appeals), 48 (partially)	24.7.2006	2006/1835
Section 49 (rules of court)	29.1.2004	2004/81
Section 50 (partially)	8.1.2007	2006/3422
Section 55 (rules of court)	9.1.2004	2004/81
Sections 57 to 61, 67 to 74 (prosecution appeals)	29.1.2004	2004/81
	4.4.2005	2005/950
Sections 75 to 96 and Schedule 5 (retrial for serious offences)	29.1.2004	2004/81
	18.4.2005	

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 97 (application of Criminal Appeal Acts)	7.3.2005	2005/373
Sections 98 to 113 and Schedule 6 (evidence of bad character)	29.1.2004 15.12.2004 1.1.2005	2004/81 2004/3033
Sections 114 to 136 (hearsay evidence) and Schedule 7 (hearsay evidence: armed forces)	29.1.2004 4.4.2005	2004/81 2005/950
Section 139 to 141 (use of documents to refresh memory)	5.4.2004	2004/829
Sections 142 to 150, 152, 153, 156 to 160; 162 to 166	7.3.2005 4.4.2005	2005/373 2005/950
Sections 167 and 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)	5.4.2004 4.4.2005	2004/829 2005/950
Section 175 (duty to publish information about sentencing)	4.4.2005	2005/950
Section 176 (interpretation of Chapter 1)	5.4.2004	2004/829
Sections 177, 179 and 180 (community orders) and Schedule 8 (breach, revocation or amendment of community order) and Schedule 9 (transfer of community orders to Scotland or Northern Ireland) (all partially and subsequently all for remaining purposes)	4.4.2005 4.4.2007	2005/950 2005/950
Section 178 (power to provide for court review of community orders)	7.3.2005	2005/373
Sections 182 to 187 and Schedule 10 (prison sentences of less than 12 months) (all partially)	26.1.2004	2003/3282

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 189 to 194 (suspended sentences); Schedule 12 (breach or amendment of suspended sentence order, and effect of further conviction) and Schedule 13 (transfer of suspended sentence orders to Scotland or Northern Ireland).	4.4.2005	<a href="#">2005/950</a>
Sections 195, 196 (partially), 197 to 203, 204	26.1.2004	<a href="#">2003/3282</a>
(partially), 205 to 212, 213 (partially), 214,	7.3.2005	<a href="#">2005/373</a>
215, 216 (partially), 217 to 220 and Schedule 14, and sections 221 to 223 (further provisions about orders under Chapters 2 and 3).	4.4.2005	<a href="#">2005/950</a>
Sections 224 to 236 (dangerous offenders); Schedule 15 (specified offences for the purposes of Chapter 5 of Part 12); Schedule 16 (Scottish offences specified for the purposes of section 229(4)); Schedule 17 (Northern Ireland offences specified for the purposes of section 229(4)) and Schedule 18 (release of prisoners serving sentences of imprisonment or detention for public protection)	4.4.2005	<a href="#">2005/950</a>
Sections 237 to 243 (release on licence:	26.1.2004	<a href="#">2003/3282</a>
preliminary), 244 (partially) and 245 to 249,	7.3.2005	<a href="#">2005/373</a>
250 to 251 (partially), 252 to 256, 257	4.4.2005	<a href="#">2005/950</a>
(partially), 258 to 261, 263, 264 (partially), 265, 267 to 268 (release on licence) and Schedule 19 (parole board: supplementary provisions)		

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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 278 and Schedule 23 (deferment of sentence)	4.4.2005	2005/950
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 300 and Schedule 31 (default orders) (partially)	7.3.2005	2005/373
Section 301 (fine defaulters: driving disqualification) (partially)	7.3.2005	2005/373
Section 302 (execution of process between	26.1.2004	2003/3282
England and Wales and Scotland)	4.4.2005	2005/950
Section 303 (sentencing: repeals) (partially)	4.4.2005	2005/950
Section 304 and Schedule 32 (amendments	26.1.2004	2003/3282

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
relating to sentencing) (partially)	22.1.2004	2004/81
	4.4.2005	2005/950
Section 305 (interpretation of Part 12)	26.1.2004	2003/3282
	4.4.2005	2005/950
Section 306 (detention of suspected terrorists)	20.1.2004	2004/81
Section 307 (enforcement of regulations)	21.7.2005	2005/1817
Sections 308 to 312 (miscellaneous provisions about criminal proceedings)	4.4.2005	2005/950
Sections 313 and 314 (extension of investigations by Criminal Cases Review Commission in England and Wales and Northern Ireland)	1.9.2004	2004/1629
Section 315 (appeals following reference by the Criminal Cases Review Commission)	4.4.2005	2005/950
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 319 (appeals against sentence in England and Wales)	4.4.2005	2005/950
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

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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
	14.3.2006	2006/751
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	2004/829
	1.9.2004	2004/1629
	15.12.2004	2004/3033
	1.1.2005	
	4.4.2005	2005/950
	15.7.2005	2005/1817
	24.7.2006	2006/1835
	8.1.2007	2006/3422
	1.10.2007	2007/2874
Section 332 and Schedule 37 (repeals) (partially)	20.1.2004, 29.1.2004, 27.2.2004	2004/81
	5.4.2004	2004/829
	15.12.2004	2004/3033
	4.4.2005	2005/950
	15.7.2005	
	14.3.2006	2005/1817
		2006/751
Section 333 and Schedule 38 (supplementary and consequential provision, etc.) (partially)	27.2.2004	2004/81
	4.4.2005	2005/950