

2007 No. 3451 (C. 147)

CRIMINAL LAW, ENGLAND AND WALES

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

Made - - - -

5th December 2007

The Secretary of State, in exercise of the powers conferred by sections 336(3) and (4) and 330(3)(b) and (4)(b) of the Criminal Justice Act 2003(a), makes the following Order:

Citation and interpretation

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

(2) In this Order—

“proceedings” means the criminal proceedings listed in section 51(2) of the Criminal Justice Act 2003.

Commencement

2.—(1) The provisions of the Criminal Justice Act 2003 listed in paragraph (2) come into force on 7 December 2007 only in relation to proceedings in the Crown Court for an offence that is listed in paragraph (3).

(2) The provisions are—

- (a) section 51 (live links in criminal proceedings),
- (b) section 52 (effect of, and rescission of, direction),
- (c) section 54 (warning to jury), and
- (d) section 56 (interpretation of Part 8).

(3) The offences are—

- (a) an offence under Part 1 of the Sexual Offences Act 2003(b) (rape, assault by penetration, sexual assault etc.),
- (b) rape or burglary with intent to rape,
- (c) an offence under any of sections 2 to 12 and 14 to 17 of the Sexual Offences Act 1956(c) (unlawful intercourse, indecent assault, forcible abduction etc.),
- (d) an offence under section 128 of the Mental Health Act 1959(d) (unlawful intercourse with person receiving treatment for mental disorder by member of hospital staff etc.),

(a) 2003 c.44; section 333(3) is relevant to the scope of the powers in section 330(4)(b).

(b) 2003 c.42.

(c) 1956 c.69.

(d) 1959 c.72.

- (e) an offence under section 1 of the Indecency with Children Act 1960^(a) (indecent conduct towards child under 14), and
- (f) an offence under section 54 of the Criminal Law Act 1977^(b) (incitement of child under 16 to commit incest).

3. Article 2 shall apply notwithstanding that the proceedings may also relate to an offence that is not listed in paragraph (3) of that article.

Transitional provision

- 4. Article 2 shall apply in relation to any proceedings that begin on or after 7 December 2007.

5th December 2007

Maria Eagle
Parliamentary Under Secretary of State
Ministry of Justice

(a) 1960 c.33.
(b) 1977 c.45.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 7 December 2007, provisions of the Criminal Justice Act 2003 (c.44) that enable courts to direct that a witness may give evidence through a live link where this is considered to be in the interests of the efficient or effective administration of justice. The provisions are only brought into force in relation to proceedings in the Crown Court for the sexual offences specified in article 3 that begin on or after 7 December 2007. A court may only direct that a live link may be used if it has been notified under section 51(4)(b) of the Criminal Justice Act 2003 that suitable facilities for receiving evidence through a live link are available in the area in which it appears to the court that the proceedings will take place.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2003 Act have been 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>
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
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
	3.7.2004	2004/1629
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 offence) (partially) and paragraph 3 of Schedule 36 (minor and consequential). Sections 22 to 24 (conditional cautions)	1.1.2007	2006/3217
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 and section 31 (charging etc)	29.1.2004	2004/81
	3.7.2004	2004/1629
	1.10.2007	2007/284
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)(partially) and Schedule 3 (partially)	4.4.2005	2005/950
	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 sexual offences)	29.1.2004 18.4.2005	2004/81
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
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	2005/950
Sections 195, 196 (partially), 197 to 203, 204 (partially), 205 to 212, 213 (partially), 214, 215, 216 (partially), 217 to 220 and Schedule 14, and sections 221 to 223 (further provisions about orders under Chapters 2 and 3).	26.1.2004 7.3.2005 4.4.2005	2003/3282 2005/373 2005/950
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	2005/950

Sections 237 to 243 (release on licence: preliminary), 244 (partially) and 245 to 249, 250 to 251 (partially), 252 to 256, 257 (partially), 258 to 261, 263, 264 (partially), 265, 267 to 268 (release on licence) and Schedule 19 (parole board: supplementary provisions)	26.1.2004 7.3.2005 4.4.2005	2003/3282 2005/373 2005/950
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 England and Wales and Scotland)	26.1.2004 4.4.2005	2003/3282 2005/950
Section 303 (sentencing: repeals)(partially)	4.4.2005	2005/950
Section 304 and Schedule 32 (amendments relating to sentencing)(partially)	26.1.2004 22.1.2004 4.4.2005	2003/3282 2004/81 2005/950
Section 305 (interpretation of Part 12)	26.1.2004 4.4.2005	2003/3282 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
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 14.3.2006	2004/81 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 1.9.2004 15.12.2004 1.1.2005 4.4.2005 15.7.2005 24.7.2006 8.1.2007 1.10.2007	2004/829 2004/1629 2004/3033 2005/950 2005/1817 2006/1835 2006/3422 2007/2874
Section 332 and Schedule 37 (repeals) (partially)	20.1.2004 29.1.2004 27.2.2004 5.4.2004 15.12.2004 4.4.2005 15.7.2005 14.3.2006	2004/81 2004/829 2004/3033 2005/950 2005/1817 2006/751
Section 333 and Schedule 38 (supplementary and consequential provision, etc.)(partially)	27.2.2004 4.4.2005	2004/81 2005/950

STATUTORY INSTRUMENTS

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