
STATUTORY INSTRUMENTS

2009 No. 1678 (C. 86)

CRIMINAL LAW, ENGLAND AND WALES

**The Criminal Justice and Immigration Act
2008 (Commencement No. 9) Order 2009**

Made - - - - *1st July 2009*

The Secretary of State makes the following Order in exercise of the powers conferred by section 153(7) and (8) of the Criminal Justice and Immigration Act 2008⁽¹⁾:

Citation

1. This Order may be cited as the Criminal Justice and Immigration Act 2008 (Commencement No. 9) Order 2009.

Provisions commenced on 8 July 2009

2. The following provisions of the Criminal Justice and Immigration Act 2008 (“the Act”) come into force on 8 July 2009—

- (a) section 148(1) (consequential etc. amendments), so far as it relates to the provisions specified in paragraph (b); and
- (b) in Schedule 26 (minor and consequential amendments)—
 - (i) paragraph 59 (amendments to the Criminal Justice Act 2003⁽²⁾), so far as it relates to paragraph 61; and
 - (ii) paragraph 61 (variation of conditions attached to conditional cautions).

Provisions commenced on 8 July 2009 for some purposes

3. The following provisions of the Act come into force on 8 July 2009 so far as they relate to the amendments to the Criminal Justice Act 2003 made immediately before 8 July 2009 by section 17 of the Police and Justice Act 2006⁽³⁾—

- (a) section 148(1), so far as it relates to the provisions specified in paragraph (b);
- (b) in Schedule 26—
 - (i) paragraph 59, so far as it relates to paragraphs 60 and 62; and

(1) 2008 c. 4.
(2) 2003 c. 44.
(3) 2006 c. 48.

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- (ii) paragraph 60 (amendments regarding financial penalties) and paragraph 62 (provision in codes of practice in relation to financial penalties); and
- (c) the repeals in Part 4 of Schedule 28 (repeals and revocations) relating to section 23A(7) to (9) of the Criminal Justice Act 2003.

Signed by the authority of the Secretary of State

1st July 2009

Claire M Ward
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

Conditional cautions are cautions to which specified conditions are attached, and are provided for in Part 3 of the [Criminal Justice Act 2003 Act \(c. 44\)](#). A conditional caution may be given for reasons including that a prosecutor considers there is sufficient evidence to prosecute the offender and the offender admits the offence and agrees to a conditional caution being imposed.

This Order brings into force the provisions of the Criminal Justice and Immigration Act 2008 (c. 4) set out in articles 2 and 3 on 8 July 2009. It makes amendments regarding the method of payment of financial penalties and the person to whom such payment should be made, makes provision for variation of the conditions of a conditional caution, and adds a provision that can be made in the code of practice for conditional cautions. The power to impose financial conditions was introduced by section 17 of the Police and Justice Act 2006 and was brought into force for some purposes by S.I. 2009/XXX (C. XXX) immediately before the amendments made by this Order, and so in practice to coincide with them. By virtue of that Order, that power (as amended by the amendments made by this Order) has effect only in relation to certain police areas.

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>
Section 1 (partially)	1 April 2009	2009/860
Section 10	14 July 2008	2008/1586
Section 11 (partially)	14 July 2008	2008/1586
Section 12	14 July 2008	2008/1586
Section 13	14 July 2008	2008/1586
Section 14	14 July 2008	2008/1586
Section 15	14 July 2008	2008/1586
Section 16	14 July 2008	2008/1586
Section 17	14 July 2008	2008/1586
Section 18	14 July 2008	2008/1586
Section 20	14 July 2008	2008/1586
Section 21 (partially)	3 November 2008	2008/2712
Section 22	3 November 2008	2008/2712
Section 23	3 November 2008	2008/2712
Section 24	14 July 2008	2008/1586
Section 25	14 July 2008	2008/1586
Section 26 (partially)	9 June 2008	2008/1466

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 27	14 July 2008	2008/1586
Section 28	14 July 2008	2008/1586
Section 29 (partially)	14 July 2008	2008/1586
Section 30	14 July 2008	2008/1586
Section 31	14 July 2008	2008/1586
Section 32	14 July 2008	2008/1586
Section 33 (partially)	3 November 2008	2008/2712
Section 34 (partially)	3 November 2008	2008/2712
Section 35	27 April 2009	2009/860
Section 36	27 April 2009	2009/860
Section 37	27 April 2009	2009/860
Section 38	14 July 2008	2008/1586
Section 40	14 July 2008	2008/1586
Section 41	3 November 2008	2008/2712
Section 42	14 July 2008	2008/1586
Section 43	14 July 2008	2008/1586
Section 44	14 July 2008	2008/1586
Section 45	14 July 2008	2008/1586
Section 46 (partially)	14 July 2008	2008/1586
Section 47	14 July 2008	2008/1586
Section 48 (partially)	1 February 2009	2009/140
Section 49	19 December 2008	2008/3260
Section 50	19 December 2008	2008/3260
Section 51	3 November 2008	2008/2712
Section 52	14 July 2008	2008/1586
Section 54	14 July 2008	2008/1586
Section 55	14 July 2008	2008/1586
Section 56	14 July 2008	2008/1586
Section 57	14 July 2008	2008/1586
Section 58	14 July 2008	2008/1586
Section 59	14 July 2008	2008/1586
Section 60	3 November 2008	2008/2712
Section 61	1 December 2008	2008/2993
Section 63	26 January 2009	2008/2993

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 64	26 January 2009	2008/2993
Section 65	26 January 2009	2008/2993
Section 66	26 January 2009	2008/2993
Section 67	26 January 2009	2008/2993
Section 68	26 January 2009	2008/2993
Section 71	26 January 2009	2008/2993
Section 72	14 July 2008	2008/1586
Section 73	14 July 2008	2008/1586
Section 76	14 July 2008	2008/1586
Section 93	14 July 2008	2008/1586
Section 94	14 July 2008	2008/1586
Section 95	14 July 2008	2008/1586
Section 96	14 July 2008	2008/1586
Section 97	14 July 2008	2008/1586
Section 118	1 December 2008	2008/2993
Section 119 (partially)	1 January 2009	2008/3260
Section 120 (partially)	1 January 2009	2008/3260
Section 121 (partially)	1 January 2009	2008/3260
Section 123	1 February 2009	2009/140
Section 124	1 February 2009	2009/140
Section 125 (partially)	1 April 2009	2009/860
Section 126 (partially)	14 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
(partially)	1 December 2008	2008/2993
Section 127 (partially)	3 November 2008	2008/2712
(partially)	1 December 2008	2008/2993
Section 129	3 November 2008	2008/2712
Section 140	14 July 2008	2008/1586
Section 141	14 July 2008	2008/1586
Section 142	14 July 2008	2008/1586
Section 143 (partially)	1 April 2009	2009/860
Section 145 (partially)	31 October 2009	2009/1028
Section 146 (partially)	1 April 2009	2009/860
Section 148 (partially)	9 June 2008	2008/1466

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
(partially)	14 July 2008	2008/1586
(partially)	15 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
(partially)	1 December 2008	2008/2993
(partially)	19 December 2008	2008/3260
(partially)	26 January 2009	2008/2993
(partially)	1 February 2009	2009/140
(partially)	1 April 2009	2009/840
(partially)	27 April 2009	2009/860
Section 149 (partially)	14 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
(partially)	1 December 2008	2008/2993
(partially)	1 April 2009	2009/860
(partially)	27 April 2009	2009/860
Schedule 1 (partially)	1 April 2009	2009/860
Schedule 5	14 July 2008	2008/1586
Schedule 6	3 November 2008	2008/2712
Schedule 8	14 July 2008	2008/1586
Schedule 9 (partially)	1 February 2009	2009/140
(partially)	1 April 2009	2009/840
Schedule 10	19 December 2008	2008/3260
Schedule 11	3 November 2008	2008/2712
Schedule 14	26 January 2009	2008/2993
Schedule 15	14 July 2008	2008/1586
Schedule 20	1 December 2008	2008/2993
Schedule 22 (partially)	14 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
(partially)	1 December 2008	2008/2993
Schedule 23 (partially)	3 November 2008	2008/2712
(partially)	1 December 2008	2008/2993
Schedule 24	14 July 2008	2008/1586
Schedule 25 (partially)	31 October 2009	2009/1028
Schedule 26 (partially)	9 June 2008	2008/1466
(partially)	14 July 2008	2008/1586

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
(partially)	15 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
(partially)	26 January 2009	2008/2993
(partially)	27 April 2009	2009/860
Schedule 27 (partially)	9 June 2008	2008/1466
(partially)	14 July 2008	2008/1586
(partially)	1 December 2008	2008/2993
(partially)	19 December 2008	2008/3260
(partially)	26 January 2009	2008/2993
(partially)	1 February 2009	2009/140
(partially)	1 April 2009	2009/860
Schedule 28 (partially)	14 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
(partially)	1 December 2008	2008/2993
(partially)	1 April 2009	2009/860
(partially)	27 April 2009	2009/860