

**2009 No. 3074 (C. 135)**

**CRIMINAL LAW, ENGLAND AND WALES**

**CRIMINAL LAW, NORTHERN IRELAND**

**POLICE, ENGLAND AND WALES**

**The Criminal Justice and Immigration Act 2008  
(Commencement No.13 and Transitory Provision) Order 2009**

*Made* - - - -

*19th November 2009*

The Secretary of State, in exercise of the powers conferred by section 153(5)(a), (7) and (8)(b) of the Criminal Justice and Immigration Act 2008(a), makes the following Order:

**Citation, interpretation and extent**

1.—(1) This Order may be cited as the Criminal Justice and Immigration Act 2008 (Commencement No.13 and Transitory Provision) Order 2009.

(2) In this Order—

“the 2000 Act” means the Powers of Criminal Courts (Sentencing) Act 2000(b); and

“the 2003 Act” means the Criminal Justice Act 2003(c);

“the 2008 Act” means the Criminal Justice and Immigration Act 2008.

**Appointed date**

2. The date appointed for the coming into force of the following provisions of the 2008 Act is 30 November 2009—

- (a) section 1 (youth rehabilitation orders) to the extent not already in force;
- (b) section 2 (breach, revocation or amendment of youth rehabilitation orders);
- (c) section 3 (transfer of youth rehabilitation order to Northern Ireland);
- (d) section 4 (meaning of “responsible officer”);
- (e) section 5 (responsible officer and offender: duties in relation to the other);
- (f) section 6(1) (abolition of certain youth orders and related amendments) save to the extent it abolishes attendance centre orders and (2) and (3) to the extent they relate to the provisions specified in paragraph (p);
- (g) section 7 (youth rehabilitation orders: interpretation);

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(a) 2008 c.4.  
(b) 2000 c.6  
(c) 2003 c.44

- (h) section 8 (Isles of Scilly);
- (i) section 75 (offences relating to the physical protection of nuclear material and nuclear facilities);
- (j) section 126(2) (police misconduct and performance procedures) in so far as it relates to the provision specified in paragraph (r);
- (k) section 148(1) and (2) (consequential etc. amendments and transitional and saving provisions), in so far as it relates to the provisions specified in paragraphs (s) and (t) respectively;
- (l) section 149 (repeals and revocations) in so far as it relates to the provisions specified in paragraph (u);
- (m) Schedule 1 (further provision about youth rehabilitation orders) to the extent not already in force;
- (n) Schedule 2 (breach, revocation or amendment of youth rehabilitation orders);
- (o) Schedule 3 (transfer of youth rehabilitation orders to Northern Ireland);
- (p) in Schedule 4 (youth rehabilitation orders: consequential and related amendments)—
  - (i) paragraphs 1 and 2;
  - (ii) paragraph 3(1), (2) and (4);
  - (iii) paragraphs 4 to 23;
  - (iv) paragraph 24 save to the extent it refers to Schedule 5 of the 2000 Act;
  - (v) paragraphs 26 to 53;
  - (vi) paragraph 54 to the extent it omits “any community order or” in section 74(3)(a) of the 2000 Act<sup>(a)</sup>;
  - (vii) paragraphs 55 and 56;
  - (viii) paragraph 57 save to the extent it omits section 137(2)(b) of the 2000 Act;
  - (ix) paragraph 58;
  - (x) paragraph 59(a), (b) and (d);
  - (xi) paragraph 60(1), (2) to the extent it omits “40(1), 40C(1) or” in section 160(2)(a) of the 2000 Act and “40(2)(b), 40C(2), 68” in section 160(2)(b) of that Act, (3) and (4) to the extent it omits “37(6), 40(2), 40A(6), 40C(2)” in section 160(5)(a) of the 2000 Act and section 160(5)(b) of that Act;
  - (xii) paragraph 61(a) save to the extent it omits the definitions of “attendance centre”, “attendance centre order” and “youth community order”, (b) and (c);
  - (xiii) paragraphs 62 to 91;
  - (xiv) paragraph 92(b);
  - (xv) paragraphs 93 to 109;
- (q) Schedule 17 (offences relating to nuclear material and nuclear facilities);
- (r) in Schedule 22 (police misconduct and performance procedures), Part 2 (amendments of Ministry of Defence Police Act 1987<sup>(b)</sup>);
- (s) in Schedule 26 (minor and consequential amendments), paragraph 79 (Terrorism Act 2006<sup>(c)</sup>);
- (t) in Schedule 27 (transitory, transitional and saving provisions)—
  - (i) paragraphs 1 to 7 (youth justice);
  - (ii) paragraph 26 (offences relating to nuclear material and nuclear facilities);

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(a) Section 74(3)(a) was amended by section 304 of, and paragraphs 90 and 107 of Schedule 32 to, the 2003 Act.

(b) 1987 c.4

(c) 2006 c.11

- (iii) paragraph 35(2)(b) (police misconduct and performance procedures);
- (u) in Part 1 of Schedule 28 (repeals and revocations) the entries relating to —
  - (i) section 34(7) of the Children and Young Persons Act 1933(a);
  - (ii) the Social Work (Scotland) Act 1968(b);
  - (iii) the Children and Young Persons Act 1969(c);
  - (iv) the Northern Ireland (Modification of Enactments – No. 1) Order 1973(d);
  - (v) the Transfer of Functions (Local Government, etc.) (Northern Ireland) Order 1973(e);
  - (vi) the Bail Act 1976(f);
  - (vii) Schedule 6A of the Magistrates’ Courts Act 1980(g) save to the extent it refers to Schedule 5 to the 2000 Act;
  - (viii) Schedule 13 of the Criminal Justice Act 1982(h);
  - (ix) the Mental Health Act 1983(i);
  - (x) the Health and Social Services and Social Security Adjudications Act 1983(j);
  - (xi) the Children Act 1989(k);
  - (xii) the Criminal Justice Act 1991(l);
  - (xiii) the Children (Prescribed Orders – Northern Ireland, Guernsey and Isle of Man) Regulations 1991(m);
  - (xiv) the Prisoners (Return to Custody) Act 1995(n);
  - (xv) the Children (Northern Ireland Consequential Amendments) Order 1995(o);
  - (xvi) the Crime and Disorder Act 1998(p);
  - (xvii) Chapter 1 of Part 4 of the 2000 Act save for sections 33(1)(c)(q) and 36B(r);
  - (xviii) Chapter 2 of Part 4 of the 2000 Act;
  - (xix) section 60(1)(a) in Chapter 4 of Part 4 of the 2000 Act (s);
  - (xx) Chapter 5 of Part 4 of the 2000 Act;
  - (xxi) section 74(3)(a) of the 2000 Act to the extent it omits “any community order or”
  - (xxii) sections 75 and 137(2)(a), (c) and (d) of the 2000 Act;
  - (xxiii) section 159 of the 2000 Act save for the words “paragraph 1(1) of Schedule 5 to this Act”;

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- (a) 1933 c. 12; section 34(7) was amended by section 108(5) of, and paragraph 6 of Schedule 13 to, the Children Act 1989 (c. 41).
  - (b) 1968 c. 49
  - (c) 1969 c. 54
  - (d) S.I. 1973/2163
  - (e) S.R. & O. 1973 No. 256
  - (f) 1976 c. 63
  - (g) 1980 c. 43; Schedule 6A was inserted by section 48 of, and Schedule 5 to the Criminal Justice Act 1982 (c.48) and substituted by section 17(3) of, and Part IV of Schedule 4, to the Criminal Justice Act 1991 (c. 53).
  - (h) 1982 c. 48
  - (i) 1983 c. 20
  - (j) 1983 c. 41
  - (k) 1989 c. 41
  - (l) 1991 c. 53
  - (m) S.I. 1991/2032
  - (n) 1995 c. 16
  - (o) S.I. 1995/756
  - (p) 1998 c. 37
  - (q) Section 33 was substituted by section 304 of, and paragraphs 90 and 95 of Part 1 of Schedule 32 to, the 2003 Act.
  - (r) Section 36B was inserted by section 52 of the Criminal Justice and Court Services Act 2000 (c. 43).
  - (s) Section 60(1)(a) was amended by section 304 of, and paragraphs 90 and 102(1) and (2)(a) of Part 1 of Schedule 32 to, the 2003 Act.

- (xxiv) section 160 of the 2000 Act to the extent it refers to “40(1), 40C(1) or” in subsection (2)(a), “40(2)(b), 40C(2), 68” in subsection 2(b), subsection (3)(a) and “37(6), 40(2), 40A(6), 40C(2)” in subsection (5)(a) and subsection (5)(b);
- (xxv) section 163 of the 2000 Act save in so far as it relates to the definitions of “attendance centre”, “attendance centre order” and “youth community order”;
- (xxvi) Schedules 3, 6, 7, 8, 10 and 11 to the 2000 Act;
- (xxvii) Schedule 9 to the 2000 Act save to the extent that paragraph 80 of that Schedule relates to the failure to comply with an attendance centre order or attendance centre rules;
- (xxviii) the Care Standards Act 2000(a);
- (xxix) the Criminal Justice and Court Services Act 2000(b) save for the entries related to section 52 and paragraphs 196(a) and (d) and 197(a) of Schedule 7;
- (xxx) the Anti-social Behaviour Act 2003(c);
- (xxxi) the 2003 Act save for the entries related to section 221(2) and paragraphs 8(2)(a), 95 in so far as it relates to the references in section 33(1) to an attendance centre order in the 2000 Act, 96, 102, 107 and 123(3) and (8) of Schedule 32; and
- (v) in Part 5 of Schedule 28 (repeals and revocations), the entries relating to the Nuclear Material (Offences) Act 1983(d).

3. The date appointed for the coming into force of the following provisions of the 2008 Act insofar as they relate to English NHS premises and are not already in force, is 30 November 2009—

- (a) section 119 (offence of causing nuisance or disturbance on NHS premises);
- (b) section 120 (power to remove person causing nuisance or disturbance);
- (c) section 121 (guidance about the power to remove etc.).

### **Transitory provision**

4. Until section 6 of the 2008 Act comes fully into force, paragraph (b) of the definition of “relevant person” in section 47(11) of the Violent Crime Reduction Act 2006(e) has effect as if it read “(b) an attendance centre order under section 60 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) or a youth rehabilitation order under Part 1 of the Criminal Justice and Immigration Act 2008 (c.4)”.

Signed by the authority of the Secretary of State

19th November 2009

*Maria Eagle*  
Minister of State  
Ministry of Justice

### **EXPLANATORY NOTE**

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

This Order brings into force certain provisions of the Criminal Justice and Immigration Act 2008 (c. 4) set out in articles 2 and 3 on 30 November 2009, subject to the transitory provision set out in article 4.

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(a) 2000 c. 14  
(b) 2000 c. 43  
(c) 2003 c. 38  
(d) 1983 c. 18  
(e) 2006 c. 38

## 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
(partially)	31 October 2009	2009/2606
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
(partially)	31 October 2009	2009/2606
Section 27	14 July 2008	2008/1586
Section 28	14 July 2008	2008/1586
Section 29 (partially)	14 July 2008	2008/1586
(partially)	31 October 2009	2009/2606
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
(partially)	16 November 2009	2009/2780
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
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 80	1 October 2009	2009/2606
Section 81	1 October 2009	2009/2606
Section 82	1 October 2009	2009/2606
Section 83	1 October 2009	2009/2606
Section 84	1 October 2009	2009/2606
Section 85	1 October 2009	2009/2606
Section 86	1 October 2009	2009/2606
Section 87	1 October 2009	2009/2606
Section 88	1 October 2009	2009/2606
Section 89	1 October 2009	2009/2606
Section 90	1 October 2009	2009/2606
Section 91	1 October 2009	2009/2606
Section 92	1 October 2009	2009/2606
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 98	3 August 2009	2009/1842
Section 99	3 August 2009	2009/1842
Section 100	3 August 2009	2009/1842
Section 101	3 August 2009	2009/1842
Section 102	3 August 2009	2009/1842
Section 103	3 August 2009	2009/1842
Section 104	3 August 2009	2009/1842
Section 105	3 August 2009	2009/1842
Section 106	3 August 2009	2009/1842
Section 107	3 August 2009	2009/1842
Section 108	3 August 2009	2009/1842
Section 109	3 August 2009	2009/1842
Section 110	3 August 2009	2009/1842
Section 111	3 August 2009	2009/1842
Section 112	3 August 2009	2009/1842
Section 113	3 August 2009	2009/1842
Section 114	3 August 2009	2009/1842
Section 115	3 August 2009	2009/1842
Section 116	3 August 2009	2009/1842

Section 117	3 August 2009	2009/1842
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	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	1 April 2009	2009/860
Section 144 (partially)	1 October 2009	2009/2606
Section 145 (partially)	31 October 2009	2009/1028
(partially)	31 October 2009	2009/2606
Section 146	1 April 2009	2009/860
Section 148 (partially)	9 June 2008	2008/1466
(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	2009/860
(partially)	27 April 2009	2009/860
(partially)	8 July 2009	2009/1678
(partially)	3 August 2009	2009/1842
(partially)	1 October 2009	2009/2606
(partially)	31 October 2009	2009/2606
(partially)	16 November 2009	2009/2780
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
(partially)	31 October 2009	2009/2606
Section 151	31 October 2009	2009/2606
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	2009/860
(partially)	16 November 2009	2009/2780
Schedule 10	19 December 2008	2008/3260
Schedule 11	3 November 2008	2008/2712

Schedule 12	14 July 2008	2008/1586
Schedule 14	26 January 2009	2008/2993
Schedule 15	14 July 2008	2008/1586
Schedule 18	1 October 2009	2009/2606
Schedule 19	1 October 2009	2009/2606
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
(partially)	31 October 2009	2009/2606
Schedule 26 (partially)	9 June 2008	2008/1466
(partially)	14 July 2008	2008/1586
(partially)	15 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
(partially)	26 January 2009	2008/2993
(partially)	27 April 2009	2009/860
(partially)	8 July 2009	2009/1678
(partially)	31 October 2009	2009/2606
(partially)	16 November 2009	2009/2780
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
(partially)	3 August 2009	2009/1842
(partially)	1 October 2009	2009/2606
(partially)	16 November 2009	2009/2780
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
(partially)	8 July 2009	2009/1678
(partially)	31 October 2009	2009/2606

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