

**2010 No. 1858 (C. 94)**

**CRIMINAL LAW**

**The Coroners and Justice Act 2009 (Commencement No. 5)  
Order 2010**

*Made* - - - -

*19th July 2010*

The Secretary of State, in exercise of the powers conferred by section 182(5) of the Coroners and Justice Act 2009(a), makes the following Order:

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Coroners and Justice Act 2009 (Commencement No. 5) Order 2010.

(2) In this Order, “the 2009 Act” means the Coroners and Justice Act 2009.

**Provisions coming into force on 2nd August 2010**

**2.** The following provisions of the 2009 Act shall come into force on 2nd August 2010—

- (a) section 145 (transfer to parole board of functions under the Criminal Justice Act 1991(b));
- (b) in section 177 (consequential etc amendments and transitional and saving provisions), subsection (2) (transitional, transitory and saving provisions) so far as it relates to the provision specified in sub-paragraph (d);
- (c) section 178 (repeals), so far as it relates to the provisions specified in sub-paragraph (e);
- (d) in Schedule 22 (transitional, transitory and saving provisions), paragraph 43 (transfer of functions to Parole Board); and
- (e) in Part 5 of Schedule 23 (repeals: miscellaneous criminal justice provisions)—
  - (i) the repeals relating to the Criminal Justice Act 1991; and
  - (ii) the repeal relating to the Criminal Justice and Immigration Act 2008(c).

**Provisions coming into force on 15th August 2010**

**3.** The following provisions of the 2009 Act shall come into force on 15th August 2010—

- (a) section 144 (treatment of convictions in other member States etc), so far as it relates to the provisions specified in sub-paragraph (d);
- (b) in section 177, subsection (2) so far as it relates to the provisions specified in sub-paragraph (e);

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(a) 2009 c. 25.  
(b) 1991 c. 53.  
(c) 2008 c. 4.

- (c) section 178, so far as it relates to the provisions specified in sub-paragraph (f);
- (d) in Schedule 17 (treatment of convictions in other member States etc)—
  - (i) paragraph 1 (evidence of bad character);
  - (ii) paragraph 3 (bail);
  - (iii) paragraphs 6 and 7 (determining the seriousness of an offence);
  - (iv) paragraph 10 (required custodial sentences for certain offences);
  - (v) paragraph 11 (restriction on imposing custodial sentence or service detention);
  - (vi) paragraph 12 (young offenders: referral conditions); and
  - (vii) paragraphs 13 to 15 (proving of foreign convictions before courts in England and Wales);
- (e) in Schedule 22, paragraphs 40 to 42 (transitional provisions in relation to treatment of convictions in other member States etc), so far as they relate to paragraphs 1, 6, 7 and 10 to 15 of Schedule 17 to the 2009 Act; and
- (f) in Part 5 of Schedule 23, the repeals relating to—
  - (i) the Criminal Justice and Public Order Act 1994(a);
  - (ii) the Powers of Criminal Courts (Sentencing) Act 2000(b);
  - (iii) the Criminal Justice Act 2003(c); and
  - (iv) section 238(3) of the Armed Forces Act 2006(d).

Signed by the authority of the Secretary of State

*Crispin Blunt*  
Parliamentary Under Secretary of State  
Ministry of Justice

19th July 2010

### **EXPLANATORY NOTE**

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

This Order brings into force certain provisions of the Coroners and Justice Act 2009 (c. 25) (“the 2009 Act”).

Article 2 brings into force on 2nd August 2010 section 145 of the 2009 Act, along with associated transitional provisions and repeals. Section 145 amends certain provisions of the Criminal Justice Act 1991 (c. 53) relating to parole decisions in respect of the release of long-term prisoners on licence.

Article 3 brings into force on 15th August 2010 section 144 of and most of Schedule 17 to the 2009 Act, also along with associated transitional provisions and repeals. Those provisions relate to the treatment of criminal convictions imposed by courts outside England and Wales and Northern Ireland. Those provisions transpose in relation to England and Wales Council Framework Decision 2008/675/JHA of 24th July 2008 on taking account of convictions in the Member States of the European Union in the course of criminal proceedings (OJ No L 220, 15.8.2008, p. 32).

### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

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

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- (a) 1994 c. 33.
  - (b) 2000 c. 6.
  - (c) 2003 c. 44.
  - (d) 2006 c. 52.

The following provisions of the 2009 Act have been or are to be 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>
Section 35	01.02.2010	2010/145
Sections 59 to 61	01.02.2010	2010/145
Section 52	04.10.2010	2010/816
Section 54 to 55	04.10.2010	2010/816
Section 56 (partially)	04.10.2010	2010/816
Section 57	04.10.2010	2010/816
Sections 62 to 71	06.04.2010	2010/816
Section 74 to 85	06.04.2010	2010/816
Section 106 (partially)	14.12.2009	2009/3253
Section 107 (partially)	14.12.2009	2009/3253
Section 108 (partially)	14.12.2009	2009/3253
Section 109 to 110	14.12.2009	2009/3253
Section 112	01.02.2010	2010/145
Section 113	06.04.2010	2010/816
Section 114 to 115	01.02.2010	2010/145
Section 118 (partially)	01.02.2010	2010/145
	06.04.2010	2010/816
Section 119 to 136	06.04.2010	2010/816
Section 139	12.01.2010	2010/28
Sections 140 to 141	01.02.2010	2010/145
Section 142	31.01.2010	2010/145
Section 146 to 147	06.04.2010	2010/816
Section 149 to 150	01.02.2010	2010/145
Section 153	01.02.2010	2010/145
Section 155 to 172	06.04.2010	2010/816
Section 173 (partially)	01.02.2010	2010/145
	06.04.2010	2010/816
Section 174	01.02.2010	2010/145
Section 175 (partially)	01.02.2010	2010/145
	06.04.2010	2010/816
Section 177 (partially)	12.01.2010	2010/28
	01.02.2010	2010/145
	06.04.2010	2010/816
	04.10.2010	2010/816
Section 178 (partially)	31.01.2010	2010/145
	01.02.2010	2010/145
	06.04.2010	2010/816
	04.10.2010	2010/816
Section 180	01.02.2010	2010/145
Schedule 8	01.02.2010	2010/145
Schedule 12	01.02.2010	2010/145
Schedule 13	06.04.2010	2010/816
Schedule 15	01.02.2010	2010/145
	06.04.2010	2010/816
Schedule 19	06.04.2010	2010/816
Schedule 20 (partially)	01.02.2010	2010/145
	06.04.2010	2010/816
Schedule 21 (partially)	01.02.2010	2010/145
	06.04.2010	2010/816

	04.10.2010	2010/816
Schedule 22 (partially)	12.01.2010	2010/28
	01.02.2010	2010/145
	06.04.2010	2010/816
Schedule 23 (partially)	31.01.2010	2010/145
	01.02.2010	2010/145
	06.04.2010	2010/816
	04.10.2010	2010/816

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