
STATUTORY INSTRUMENTS

2010 No. 816

**The Coroners and Justice Act 2009 (Commencement
No. 4, Transitional and Saving Provisions) Order 2010**

Citation and interpretation

1.—(1) This Order may be cited as the Coroners and Justice Act 2009 (Commencement No. 4, Transitional and Saving Provisions) Order 2010.

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

Provisions coming into force on 6th April 2010

2. The provisions of the 2009 Act specified in the Schedule shall come into force on 6th April 2010.

3. Sections 74 to 83 and 85 of the 2009 Act (anonymity in investigations) shall come into force on 6th April 2010 in England and Wales.

4.—(1) The following provisions of the 2009 Act shall come into force on 6th April 2010 in the relevant local justice areas⁽¹⁾—

- (a) section 178 (repeals), so far as it relates to the provisions specified in sub-paragraph (b); and
- (b) in Part 3 of Schedule 23 (criminal evidence and procedure), the repeals relating to the Police and Criminal Evidence Act 1984⁽²⁾ and section 57C of the Crime and Disorder Act 1998⁽³⁾.

(2) The relevant local justice areas are—

- (a) in London: Barking and Dagenham; Barnet; Bexley; Brent; Bromley; Camden and Islington; City of London; City of Westminster; Croydon; Ealing; Enfield; Greenwich and Lewisham; Hackney and Tower Hamlets; Hammersmith and Fulham and Kensington and Chelsea; Haringey; Harrow Gore; Havering; Hillingdon; Hounslow; Kingston-upon-Thames; Lambeth and Southwark; Merton; Newham; Redbridge; Richmond-upon-Thames; Sutton; Waltham Forest; and Wandsworth; and
- (b) in Kent: Central Kent; East Kent; and North Kent.

Provisions coming into force on 4th October 2010

5. The following provisions of the 2009 Act shall come into force on 4th October 2010—

- (a) section 52 (persons suffering from diminished responsibility (England and Wales));
- (b) section 56(2)(a) (repeal relating to abolition of common law defence of provocation);
- (c) section 57 (infanticide (England and Wales));

(1) The local justice areas into which England and Wales is divided are specified in the Local Justice Areas Order 2005 (S.I. 2005/554).

(2) 1984 c. 60.

(3) 1998 c. 37.

- (d) in section 177 (consequential etc amendments and transitional and saving provisions), subsection (1) so far as it relates to the provision specified in sub-paragraph (f);
- (e) section 178, so far as it relates to the provisions specified in sub-paragraph (g);
- (f) in Schedule 21 (minor and consequential amendments), paragraph 52;
- (g) in Part 2 of Schedule 23 (criminal offences), the repeals relating to—
 - (i) the Homicide Act 1957⁽⁴⁾; and
 - (ii) the Criminal Justice Act 2003⁽⁵⁾.

6. The following provisions of the 2009 Act shall come into force on 4th October 2010 in England and Wales—

- (a) sections 54 and 55 (partial defence to murder: loss of control); and
- (b) section 56(1) (abolition of common law defence of provocation).

Transitional and saving provisions

7.—(1) Existing guidelines which have effect immediately before the coming into force, by virtue of article 2 and paragraph 8 of the Schedule, of section 125(1) of the 2009 Act (sentencing guidelines: duty of court) are to be treated as guidelines issued by the Sentencing Council for England and Wales under section 120 of the 2009 Act (sentencing guidelines).

(2) The repeal of section 172 of the Criminal Justice Act 2003 (duty of court to have regard to sentencing guidelines), which takes effect by virtue of article 2 and paragraph 22(b)(iv) of the Schedule, shall have no effect where a court is sentencing an offender for, or exercising any other function relating to the sentencing of offenders in respect of, an offence committed before 6th April 2010.

(3) The amendments to section 174 of the Criminal Justice Act 2003 (duty to give reasons for, and explain effect of, sentence), which take effect by virtue of article 2 and paragraph 20(b) of the Schedule, shall have no effect in relation to the sentencing of any offender for an offence committed before 6th April 2010.

(4) The amendments to Schedule 21 to the Criminal Justice Act 2003 (determination of minimum term in relation to mandatory life sentence), which take effect by virtue of article 5(f) and (g)(ii), shall have no effect in relation to the sentencing of any offender for an offence of murder committed before 4th October 2010.

(5) In this article, “existing guidelines” has the meaning given in paragraph 28(2) of Schedule 22 to the 2009 Act.

Signed by the authority of the Lord Chancellor and Secretary of State.

16th March 2010

Claire M Ward
Parliamentary Under Secretary of State
Ministry of Justice

(4) 1957 c. 11.
(5) 2003 c. 44.