
STATUTORY INSTRUMENTS

2011 No. 1452 (C. 55)

**CRIMINAL PROCEDURE,
ENGLAND AND WALES**

**The Coroners and Justice Act 2009
(Commencement No. 7) Order 2011**

Made - - - - *8th June 2011*

The Secretary of State, in exercise of the power conferred by section 182(5) of the Coroners and Justice Act 2009⁽¹⁾, makes the following Order:

Citation

1. This Order may be cited as the Coroners and Justice Act 2009 (Commencement No. 7) Order 2011.

Appointed day

2. The following provisions of the Coroners and Justice Act 2009 shall come into force on 27th June 2011—

- (a) sections 98 to 103 (special measures for vulnerable and intimidated witnesses);
- (b) section 105 (witnesses protected from cross-examination by accused in person);
- (c) section 111 (effect of admission of video recording);
- (d) in section 177 (consequential etc amendments and transitional and saving provisions)—
 - (i) subsection (1) (minor and consequential amendments), so far as it relates to the provisions specified in sub-paragraph (g); and
 - (ii) subsection (2) (transitional, transitory and saving provisions), so far as it relates to the provisions specified in sub-paragraph (h);
- (e) section 178 (repeals), so far as it relates to the provisions specified in sub-paragraph (i);
- (f) Schedule 14 (Schedule 1A to the Youth Justice and Criminal Evidence Act 1999⁽²⁾);
- (g) in Schedule 21 (minor and consequential amendments), paragraphs 72 and 73 (vulnerable and intimidated witnesses);

(1) 2009 c. 25.
(2) 1999 c. 23.

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- (h) in Schedule 22 (transitional, transitory and saving provisions), paragraphs 23 and 24 (vulnerable and intimidated witnesses); and
- (i) in Part 3 of Schedule 23 (criminal evidence and procedure), the repeals relating to—
 - (i) section 11(3)(c) (special measures for witnesses) of the Crime and Disorder Act 1998⁽³⁾;
 - (ii) the Youth Justice and Criminal Evidence Act 1999; and
 - (iii) the Criminal Justice Act 2003⁽⁴⁾ so far as not already in force.

Signed by authority of the Secretary of State

8th June 2011

Crispin Blunt
Parliamentary Under Secretary of State
Ministry of Justice

⁽³⁾ 1998 c. 37.
⁽⁴⁾ 2003 c. 44.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force on 27 June certain provisions of the Coroners and Justice Act 2009 (c. 25) (“the 2009 Act”).

Sections 98 to 103 and 105 amend provisions in the Youth Justice and Criminal Evidence Act 1999 (c. 23) (“the 1999 Act”) in relation to special measures for vulnerable and intimidated witnesses.

Section 98 extends automatic eligibility for special measures to witnesses under the age of 18 (as opposed to 17).

Section 99 extends automatic eligibility for special measures to witnesses of certain gun and knife crimes listed in Schedule 1A to the 1999 Act (inserted by Schedule 14 to the 2009 Act and brought into force by Article 2(f) of this Order). By paragraph 24 of Schedule 22, references in Schedule 1A to the 1999 Act to Part 2 of the Serious Crime Act 2007 (c. 27) include the offence of incitement at common law.

Section 100 makes provision to allow child witnesses to opt-out of the primary rule in section 21 of the 1999 Act, which concerns the giving of evidence in chief by video recorded statement and further evidence by live link.

Section 101 makes special provision for complainants of sexual offences tried in the Crown Court.

Section 102 provides for the presence of a supporter when a witness is giving evidence by live link.

Section 103 relaxes the restrictions on a witness giving additional evidence in chief following admission of the witness’s video-recorded statement.

Section 105 amends the definition of “child” in section 35 of the 1999 Act. Section 35 of the 1999 Act concerns the protection from cross-examination by the accused of certain protected witnesses.

Section 111 repeals section 138(1) of the Criminal Justice Act 2003 (c. 44) which made provision about the effect of admission of video recorded evidence in chief.

Paragraph 23 of Schedule 22 makes transitional provision in respect of special measures directions made in proceedings commenced before the coming into force of this Order.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Coroners and Justice Act 2009 (c. 25) 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>
Section 35	01.02.2010	2010/145
Section 52	04.10.2010	2010/816
Section 53	01.06.2011	2011/182 (N.I.)
Sections 54 to 55	04.10.2010	2010/816
	01.06.2011	2011/182 (N.I.)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 56 (partially)	04.10.2010	2010/816
	01.06.2011	2011/182 (N.I.)
Section 57	04.10.2010	2010/816
Section 58	01.06.2011	2011/182 (N.I.)
Sections 59 to 61	01.02.2010	2010/145
Sections 62 to 71	06.04.2010	2010/816
Sections 74 to 83 and 85 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
Section 84	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
Sections 109 to 110	14.12.2009	2009/3253
Section 112	01.02.2010	2010/145
Section 113	06.04.2010	2010/816
Sections 114 to 115	01.02.2010	2010/145
Section 118 (partially)	01.02.2010	2010/145
	06.04.2010	2010/816
Sections 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 144 (partially)	15.08.2010	2010/1858
	18.04.2011	2011/182 (N.I.)
Section 145	02.08.2010	2010/1858
Sections 146 to 147	06.04.2010	2010/816
Sections 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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 177 (partially)	12.01.2010	2010/28
	01.02.2010	2010/145
	06.04.2010	2010/816
	02.08.2010	2010/1858
	15.08.2010	2010/1858
	04.10.2010	2010/816
	18.04.2011	2011/182 (N.I.)
Section 178 (partially)	31.01.2010	2010/145
	01.02.2010	2010/145
	06.04.2010	2010/816
	02.08.2010	2010/1858
	15.08.2010	2010/1858
	04.10.2010	2010/816
	01.06.2011	2011/182 (N.I.)
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 17 (partially)	15.08.2010	2010/1858
	18.04.2010	2011/182 (N.I.)
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
	02.08.2010	2010/1858
	15.08.2010	2010/1858
	18.04.2011	2011/182 (N.I.)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 23 (partially)	31.01.2010	2010/145
	01.02.2010	2010/145
	06.04.2010	2010/816
	02.08.2010	2010/1858
	15.08.2010	2010/1858
	04.10.2010	2010/816
	01.06.2011	2011/182 (N.I.)