

---

STATUTORY INSTRUMENTS

---

**2012 No. 2574**

**The Criminal Justice Act 2003 (Commencement  
No. 29 and Saving Provisions) Order 2012**

**Citation, extent and interpretation**

1.—(1) This Order may be cited as the Criminal Justice Act 2003 (Commencement No. 29 and Saving Provisions) Order 2012.

(2) This Order does not extend to Northern Ireland.

(3) In this Order “the 1998 Act” means the Crime and Disorder Act 1998(1).

**Provisions coming into force on 5th November 2012 in certain local justice areas and the Crown Court for certain purposes**

2.—(1) The following provisions of the Criminal Justice Act 2003 come into force on 5th November 2012 in relation to the relevant local justice areas—

- (a) section 41 (allocation of offences triable either way, and sending cases to Crown Court), so far as it relates to the provisions specified in sub-paragraph (c);
- (b) section 332 (repeals), so far as it relates to the provisions specified in sub-paragraph (d);
- (c) Schedule 3(2) (allocation of cases triable either way, and sending cases to the Crown Court etc), so far as it is not already in force, other than—
  - (i) paragraph 19(1) (restrictions on reporting of allocation or sending proceedings), so far as it would insert section 52B(4) of the 1998 Act;
  - (ii) paragraph 19(2)(b);
  - (iii) paragraph 57(2) (amendment of section 7A of the Prosecution of Offences Act 1985(3));
  - (iv) paragraph 66(4), so far as it would omit paragraph (a) of the modified section 3(8) of the 1996 Act (initial duty of prosecutor to disclose);
  - (v) paragraphs 70 and 71(d) (extending to Northern Ireland reporting restrictions for applications for dismissal);

---

(1) 1998 c. 37.

(2) Schedule 3 to the Criminal Justice Act 2003 (c. 44) was amended by the Constitutional Reform Act 2005 (c. 4), section 59(5) and Schedule 11, paragraph 1(2), the Armed Forces Act 2006 (c. 52), section 378(2) and Schedule 17, and the Criminal Justice and Immigration Act 2008 (c. 4), sections 53 and 149 and Schedules 13 and 28. Provisions substituted or inserted by Schedule 3 to the Criminal Justice Act 2003 have also been amended: section 19 of the Magistrates’ Courts Act 1980 (c. 43) is amended by the Armed Forces Act 2006, section 378(1) and Schedule 16, paragraph 88 and the Coroners and Justice Act 2009 (c. 25), section 177(1) and Schedule 21, paragraph 80; section 51A of the Crime and Disorder Act 1998 (c. 37) is amended by the Violent Crime Reduction Act 2006 (c. 38), sections 49 and 65 and Schedule 1, paragraph 5 and Schedule 5; section 51B of the Crime and Disorder Act 1998 is amended by the Commissioners for Revenue and Customs Act 2005 (c. 11), section 50(6) and Schedule 4, paragraph 69; paragraph 9 of Schedule 3 to the Crime and Disorder Act 1998 is amended by the Armed Forces Act 2006, section 378(1) and Schedule 16, paragraph 155 and the Coroners and Justice Act 2009, section 177(1) and Schedule 21, paragraph 81.

(3) 1985 c. 23.

- (d) Part 4 of Schedule 37(4) (repeals), so far as it is not already in force, other than the entry relating to paragraph (a) of the modified section 3(8) of the 1996 Act.
- (2) The relevant local justice areas are specified in the Schedule.
- (3) The provisions specified in paragraph (1) are also to come into force on 5th November 2012 in relation to the Crown Court where it deals with—
  - (a) a person sent for trial by a magistrates’ court in a relevant local justice area;
  - (b) a person committed for sentence by a magistrates’ court in a relevant local justice area.
- (4) In this article “the 1996 Act” means the Criminal Procedure and Investigations Act 1996(5).

### **Saving provisions**

- 3.—**(1) The amendments coming into force by virtue of article 2 are to have no effect in relation to an offence (“the relevant offence”) if condition 1 or 2 is satisfied in respect of that offence.
- (2) Condition 1 is satisfied if a person first appeared in respect of the relevant offence before 5th November 2012.
- (3) Condition 2 is satisfied if—
- (a) a person first appears in respect of the relevant offence on or after 5th November 2012,
  - (b) the relevant offence is related to an offence which is triable only on indictment (“the indictable-only offence”), and
  - (c) the person who is charged with the indictable-only offence first appeared in respect of that offence before 5th November 2012.
- (4) For the purposes of this article—
- (a) a person (“A”) first appears in respect of an offence where A appears or is brought before a magistrates’ court for the first time in the proceedings in respect of the offence with which A is charged;
  - (b) a relevant offence is related to an indictable-only offence if, were a magistrates’ court to apply section 51 of the 1998 Act as it was in force immediately before 5th November 2012, that court would be required to send the person charged with the relevant offence to the Crown Court for trial for that offence, or could do so.

### **Effect on coming into force of provisions in Schedule 3 to the Criminal Justice Act 2003 of combining certain local justice areas on 1st January 2013**

**4.—**(1) The amendments coming into force by virtue of article 2 are to have the same effect on or after 1st January 2013 as they had before that date in relation to the local justice areas of Halton and Warrington, notwithstanding those areas being combined to become the local justice area of North Cheshire(6).

(2) The amendments coming into force by virtue of article 4 of the Criminal Justice Act 2003 (Commencement No. 28 and Saving Provisions) Order 2012(7) and article 2 of this Order are to have the same effect on or after 1st January 2013 as they had before that date in relation to the local justice areas of Bath and Wansdyke; North Somerset; South Somerset and Mendip; and Taunton

---

(4) Part 4 of Schedule 37 was amended by the Criminal Justice and Immigration Act 2008 (c. 4), sections 148(1) and 149 and Schedule 26, paragraphs 59 and 77 and Schedule 28.

(5) 1996 c. 25.

(6) The Local Justice Areas Order 2012 (S.I. 2012/1277).

(7) S.I. 2012/1320. This Commencement Order brought provisions of Schedule 3 to the Criminal Justice Act 2003 (c. 44) into force in relation to certain local justice areas including Bath and Wansdyke and North Somerset.

Deane, West Somerset and Sedgemoor, notwithstanding those areas being combined to become the local justice area of Somerset<sup>(8)</sup>.

Signed by the authority of the Secretary of State

6th October 2012

*Damian Green*  
Minister of State  
Ministry of Justice

---

<sup>(8)</sup> The Local Justice Areas (No. 2) Order 2012 ([S.I. 2012/1555](#)).