
STATUTORY INSTRUMENTS

2013 No. 470

**The Protection of Freedoms Act 2012 (Commencement
No. 5 and Saving and Transitional Provision) Order 2013**

Saving and transitional provision

- 5.—(1) This article applies where in any proceedings—
- (a) a person (“D”) is charged in respect of the same conduct with—
 - (i) an offence under any of sections 57 to 59 of the 2003 Act; and
 - (ii) an offence under section 59A of the 2003 Act;
 - (b) the only thing preventing D from being found guilty of an offence under section 59A is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly on or after 6th April 2013;
 - (c) the only thing preventing D from being found guilty of an offence under any of sections 57 to 59 is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly or partly before 6th April 2013.
- (2) For the purpose of determining D’s guilt it shall be conclusively presumed that the offence was committed wholly or partly before 6th April 2013.