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STATUTORY INSTRUMENTS

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**2019 No. 780**

**EXITING THE EUROPEAN UNION  
CRIMINAL LAW**

**The Criminal Justice (Amendment  
etc.) (EU Exit) Regulations 2019**

*Made - - - - 28th March 2019*

*Coming into force in accordance with regulation 1(1)*

<sup>M1</sup>The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 .

In accordance with paragraph 1(3) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

In accordance with section 88(2) of the Scotland Act 1998 <sup>M2</sup> the Secretary of State has consulted with the Scottish Ministers on the proposal to make Part 2 of these Regulations.

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**Modifications etc. (not altering text)**

**C1** Regulations applied (31.12.2020) by [The Criminal Procedure \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/908\)](#), **reg. 3(b)** (with [reg. 3](#)); 2020 c. 1, Sch. 5 para. 1(1)

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**Marginal Citations**

**M1** 2018 c. 16.

**M2** 1998 c. 46. The Criminal Injuries Compensation Authority and the Criminal Injuries Compensation Appeals Panel have been specified as cross-border public authorities for the purposes of section 88 of the Scotland Act 1998 by the [Scotland Act 1998 \(Cross-Border Public Authorities\) \(Specification\) Order 1999 \(S.I. 1999/1319\)](#).

*Status: This version of this Instrument contains provisions that are prospective.  
Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

## PART 1

### INTRODUCTION

#### Citation, commencement and extent

1.—(1) These Regulations may be cited as the Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019 and come into force on exit day.

(2) Except as provided in paragraphs (3) to (6), these Regulations extend to the United Kingdom.

(3) Subject to paragraph (5), any amendment or revocation made by these Regulations has the same extent within the United Kingdom as the provision to which it relates.

(4) Subject to paragraph (6), any saving or transitional provision in these Regulations has the same extent within the United Kingdom as the provision to which it relates.

(5) Regulation 29 extends to England and Wales and Northern Ireland.

(6) Regulation 31 extends to England and Wales and Northern Ireland as it relates to regulation 29.

#### Commencement Information

**I1** Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

## PART 2

### ARRANGEMENTS FOR COMPENSATION FOR VICTIMS OF VIOLENT INTENTIONAL CRIME

#### Revocation of the Victims of Violent Intentional Crime (Arrangements for Compensation) (European Communities) Regulations 2005

2. The Victims of Violent Intentional Crime (Arrangements for Compensation) (European Communities) Regulations 2005<sup>M3</sup> are revoked.

#### Commencement Information

**I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M3** [S.I. 2005/3396](#), amended by [S.I. 2008/2683](#), 2011/1043.

#### [<sup>F1</sup>Saving for applications for compensation received by the Deciding Authority before IP completion day: application of Article 69(1)(c) of the withdrawal agreement

2A. Nothing in regulation 2 affects the application of paragraph 1(c) of Article 69 of the withdrawal agreement and the legislation revoked by regulation 2 continues to have effect for the purposes of that paragraph as if it had not been revoked.]

**F1** Reg. 2A inserted (31.12.2020 immediately before IP completion day) by [The Civil, Criminal and Family Justice \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1493\)](#), regs. 1(1), **10**

**Commencement Information**

**I3** Reg. 2A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

## PART 3

### EUROPEAN PROTECTION ORDERS

#### CHAPTER 1

##### European protection orders: England and Wales

#### Interpretation

[<sup>F2</sup>**3.** In this Chapter, “the England and Wales EPO Regulations” means the Criminal Justice (European Protection Order) (England and Wales) Regulations 2014 <sup>F3</sup>.]

**F2** Reg. 3 substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **40**

**F3** [S.I. 2014/3300](#).

**Commencement Information**

**I4** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Revocation of the England and Wales EPO Regulations

**4.** The England and Wales EPO Regulations are revoked.

**Commencement Information**

**I5** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### [<sup>F4</sup>**Transitional and saving provision: requests to executing States to recognise European protection orders made in England and Wales**

**5.—(1)** The following provisions of the England and Wales EPO Regulations continue to apply, as if they had not been revoked by regulation 4, to relevant European protection orders as defined in paragraph (2) below (and see Article 62(1)(k) of the withdrawal agreement and sections 7A and 7C of the European Union (Withdrawal) Act 2018)—

- (a) regulations 1 to 4;
- (b) regulation 6;
- (c) regulations 9 and 10.

*Status: This version of this Instrument contains provisions that are prospective.*  
**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

(2) A relevant European protection order is one received before IP completion day by the competent authority of the executing State under regulation 9(2) of the England and Wales EPO Regulations (notifying the executing State of the European protection order), or by any other authority of the executing State with no competence to recognise a European protection order but which forwards it to the competent authority.

(3) For the purposes of this regulation—

- (a) “the competent authority” has the same meaning as in regulation 2(1) of the England and Wales EPO Regulations (interpretation – general);
- (b) “the executing State” has the same meaning as in regulations 3(2) and 4(5) of the England and Wales EPO Regulations (interpretation – Part 2 and power of a court to make a European protection order);
- (c) the provisions of the England and Wales EPO Regulations referred to in paragraph (1) are to be read as if the term “member State” included the United Kingdom.]

**F4** Reg. 5 substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **41**

#### **Commencement Information**

**I6** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### **[<sup>F5</sup>Transitional and saving provision: recognition by England and Wales of European protection orders made by issuing States**

**6.—(1)** The following provisions of the England and Wales EPO Regulations continue to apply, as if they had not been revoked by regulation 4, to relevant European protection orders as defined in paragraph (2) below—

- (a) regulations 1 and 2;
- (b) regulations 11 to 14;
- (c) regulations 16 to 19;
- (d) the Schedule (grounds for refusal to give effect to a European protection order).

(2) A relevant European protection order is one received from the issuing state before IP completion day by the central authority for England and Wales under regulation 12(2) of the England and Wales EPO Regulations (requests from other member States to recognise a European protection order), or any other authority of England and Wales with no competence to recognise a European protection order but which forwards it to the central authority.

(3) For the purposes of this regulation—

- (a) “the central authority for England and Wales” has the same meaning as in regulation 2(1) of the England and Wales EPO Regulations;
- (b) “the issuing State” has the same meaning as in regulations 11(2) and 12(1) of the England and Wales EPO Regulations (interpretation – Part 3 and the Schedule);
- (c) the provisions of the England and Wales EPO Regulations referred to in paragraph (1) are to be read as if the term “member State” included the United Kingdom.]

**F5** Reg. 6 substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **42**

*Status: This version of this Instrument contains provisions that are prospective.  
Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

**Commencement Information**

**I7** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

PROSPECTIVE

**Saving provision: European protection order modifications communicated, but not given effect to, before exit day**

**F67.** .....

**F6** Reg. 7 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **43**

PROSPECTIVE

**Saving provision: European protection order revocation notifications made, but not given effect to, before exit day**

**F78.** .....

**F7** Reg. 8 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **43**

CHAPTER 2

European protection orders: Northern Ireland

**Interpretation**

[**F89.** In this Chapter, “the Northern Ireland EPO Regulations” means the Criminal Justice (European Protection Order) (Northern Ireland) Regulations 2014<sup>F9</sup>.]

**F8** Reg. 9 substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **44**

**F9** [S.I. 2014/320](#); amended by [S.R. 2015 No. 353](#).

**Commencement Information**

**I8** Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**Revocation of the Northern Ireland EPO Regulations**

**10.** The Northern Ireland EPO Regulations are revoked.

*Status: This version of this Instrument contains provisions that are prospective.  
Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

#### Commencement Information

**I9** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### [<sup>F10</sup> Transitional and saving provision: requests to executing States to recognise European protection orders made in Northern Ireland

**11.**—(1) The following provisions of the Northern Ireland EPO Regulations continue to apply, as if they had not been revoked by regulation 10, to relevant European protection orders as defined in paragraph (2) below (and see Article 62(1)(k) of the withdrawal agreement and sections 7A and 7C of the European Union (Withdrawal) Act 2018)—

- (a) regulations 1 to 4;
- (b) regulation 6;
- (c) regulations 9 and 10.

(2) A relevant European protection order is one received before IP completion day by the competent authority of the executing State under regulation 9(2) of the Northern Ireland EPO Regulations (notifying the executing State of the European protection order) or by any other authority of the executing State with no competence to recognise a European protection order but which forwards it to the competent authority.

(3) For the purposes of this regulation—

- (a) “the competent authority” has the same meaning as in regulation 2(1) of the Northern Ireland EPO Regulations (interpretation - general);
- (b) “the executing State” has the same meaning as in regulation 3(2) and 4(5) of the Northern Ireland EPO Regulations (interpretation – Part 2 and power of a court to make a European protection order);
- (c) the provisions of the Northern Ireland EPO Regulations referred to in paragraph (1) are to be read as if the term “member State” included the United Kingdom.]

**F10** Reg. 11 substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, 45

#### Commencement Information

**I10** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### [<sup>F11</sup> Transitional and saving provision: recognition by Northern Ireland of European protection orders made by issuing States

**12.**—(1) The following provisions of the Northern Ireland EPO Regulations continue to apply, as if they had not been revoked by regulation 10, to relevant European protection orders as defined in paragraph (2) below—

- (a) regulations 1 and 2;
- (b) regulations 11 to 14;
- (c) regulations 16 to 19;
- (d) the Schedule (grounds for refusal to give effect to a European protection order).

*Status: This version of this Instrument contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

(2) A relevant European protection order is one received from the issuing State before IP completion day by the central authority for Northern Ireland under regulation 12(2) of the Northern Ireland EPO Regulations (requests from other member States to recognise a European protection order), or by any other authority of Northern Ireland with no competence to recognise a European protection order but which forwards it to the central authority.

(3) For the purposes of this regulation—

- (a) “the central authority for Northern Ireland” has the same meaning as in regulation 2(1) of the Northern Ireland EPO Regulations;
- (b) “the issuing State” has the same meaning as in regulation 2(1) of the Northern Ireland EPO Regulations;
- (c) the provisions of the Northern Ireland EPO Regulations referred to in paragraph (1) are to be read as if the term “member State” included the United Kingdom.]

**F11** Reg. 12 substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, 46

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**Commencement Information**

**I11** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

PROSPECTIVE

**Saving provision: European protection order modifications communicated, but not given effect to, before exit day**

<sup>F12</sup>**13.** . . . . .

**F12** Reg. 13 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, 47

PROSPECTIVE

**Saving provision: European protection order revocation notifications made, but not given effect to, before exit day**

<sup>F13</sup>**14.** . . . . .

**F13** Reg. 14 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, 47

**Consequential revocation**

**15.** The Criminal Justice (European Protection Order) (Amendment) Regulations (Northern Ireland) 2015 <sup>M4</sup> are revoked.

*Status: This version of this Instrument contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

#### Commencement Information

**I12** Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M4** S.R. [2015 No. 353](#).

## PART 4

### EUROPEAN SUPERVISION ORDERS

#### Amendment of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014

**16.**—(1) The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 <sup>M5</sup> are amended as follows.

- (2) Omit Part 7 (European supervision order) <sup>M6</sup>.
- (3) Omit Schedule 6 (grounds for refusal to monitor supervision measures).

#### Commencement Information

**I13** Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M5** [S.I. 2014/3141](#).

**M6** Amended by [S.I. 2014/3191](#).

#### <sup>F14</sup>Transitional and saving provision for England and Wales: decisions on supervision measures received before IP completion day

**16A.**—(1) The following provisions of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (“the 2014 Regulations”) continue to apply, as if they had not been revoked by regulation 16, to relevant decisions on supervision measures as defined in paragraph (2) below (and see Article 62(1)(i) of the withdrawal agreement and sections 7A and 7C of the European Union (Withdrawal) Act 2018)—

- (a) regulation 75(1) and (3);
  - (b) regulations 76 and 77;
  - (c) regulations 79 to 83;
  - (d) regulation 84(2) to (4);
  - (e) regulations 85 to 93;
  - (f) regulation 94(2) and (3);
  - (g) Schedule 6.
- (2) A relevant decision on supervision measures is one received before IP completion day by—
- (a) the central authority or the competent authority of the executing State under regulation 77(2) of the 2014 Regulations (requests to other member States for monitoring



- supervision measures), or any other authority in the executing State with no competence to recognise a decision on supervision measures but which forwards the decision to the competent authority; or
- (b) the central authority of England and Wales under regulation 85(2) of the 2014 Regulations (requests from other member states for monitoring supervision measure), or any other authority in England and Wales with no competence to recognise a decision on supervision measures but which forwards the decision to the central authority.
- (3) For the purposes of this regulation—
- (a) “the central authority or competent authority of the executing State” has the same meaning as in regulations 76 and 77(9) of the 2014 Regulations (interpretation);
- (b) “the central authority of England and Wales” has the same meaning as in regulation 76 of the 2014 Regulations;
- (c) the provisions of the 2014 Regulations referred to in paragraph (1) are to be read as if the term “member State” included the United Kingdom.

**F14** Regs. 16A, 16B inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, 48

#### **Commencement Information**

**I14** Reg. 16A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

### **Transitional and saving provision for Northern Ireland: decisions on supervision measures received before IP completion day**

**16B.**—(1) The following provisions of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (“the 2014 Regulations”) continue to apply, as if they had not been revoked by regulation 16, to relevant decisions on supervision measures as defined in paragraph (2) below (and see Article 62(1)(i) of the withdrawal agreement and sections 7A and 7C of the European Union (Withdrawal) Act 2018)—

- (a) regulation 75(2) and (3);
- (b) regulations 95 and 96;
- (c) regulations 98 to 102;
- (d) regulation 103(2) and (3);
- (e) regulations 104 to 112;
- (f) regulation 113(2) and (3);
- (g) Schedule 6.
- (2) A relevant decision on supervision measures is one received before IP completion day by—
- (a) the central authority or the competent authority of the executing State under regulation 96(2) of the 2014 Regulations (requests to other member States for monitoring supervision measures), or any other authority in the executing State with no competence to recognise a decision on supervision measures but which forwards the decision to the competent authority; or
- (b) the central authority of Northern Ireland under regulation 104(2) of the 2014 Regulations (requests from other member States for monitoring supervision measures), or any other

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authority in Northern Ireland with no competence to recognise a decision on supervision measures but which forwards the decision to the central authority for execution.

- (3) For the purposes of this regulation—
- (a) “the central authority or competent authority of the executing State” has the same meaning as in regulations 95 and 96(9) of the 2014 Regulations (interpretation);
  - (b) “the central authority of Northern Ireland” has the same meaning as in regulation 95 of the 2014 Regulations
  - (c) the provisions of the 2014 Regulations referred to in paragraph (1) are to be read as if the term “Member State” included the United Kingdom.]

**F14** Regs. 16A, 16B inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, 48

#### Commencement Information

**I15** Reg. 16B in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

## PART 5

### MUTUAL RECOGNITION OF FINANCIAL PENALTIES

#### Interpretation

**17.** In this Part, the “2008 Act” means the Criminal Justice and Immigration Act 2008 <sup>M7</sup>.

#### Commencement Information

**I16** Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M7** [2008 c. 4.](#)

#### Amendment of the Courts Act 2003

**18.** In paragraph 38 of Schedule 5 to the Courts Act 2003 (the range of further steps available against defaulters) <sup>M8</sup>, omit—

- (a) sub-paragraph (1)(f);
- (b) sub-paragraph (4);
- (c) sub-paragraph (5).

#### Commencement Information

**I17** Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M8** 2003 c. 39, sub-paragraphs (1)(f), (4) and (5) of paragraph 38 were inserted by section 80(1) of the Criminal Justice and Immigration Act 2008 (c. 4).

#### Amendment of the 2008 Act

19.—<sup>[F15]</sup>(1) In the 2008 Act, omit—

- (a) sections 80 to 92 (recognition of financial penalties) <sup>M9</sup>;
- (b) section 147(5)(d) (orders, rules and regulations) <sup>M10</sup>;
- (c) Schedule 18 (penalties suitable for enforcement in England and Wales or Northern Ireland) <sup>M11</sup>;
- (d) Schedule 19 (grounds for refusal to enforce financial penalties) <sup>M12</sup>;
- (e) paragraph 29 of Schedule 27 (mutual recognition of financial penalties).

<sup>[F16]</sup>(2) See Article 62(1)(d) of the withdrawal agreement and sections 7A and 7C of the European Union (Withdrawal) Act 2018.]

**F15** Reg. 19 renumbered as reg. 19(1) (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **49(a)**

**F16** Reg. 19(2) inserted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **49(b)**

#### Commencement Information

**I18** Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see reg. 1(1)

#### Marginal Citations

**M9** Section 80 was amended by [S.I. 2016/244](#); section 81 was amended by [S.I. 2014/3141](#); section 82 was amended by paragraph 133 of Schedule 1 and Part 1 of Schedule 9 to the [Justice Act \(Northern Ireland\) 2015 \(c. 9 \(N.I.\)\)](#), S.R. & O. (NI) 2010 No. 133 and [S.I. 2010/976](#); sections 83 and 84 were amended by [S.I. 2010/976](#) and 2014/3141; sections 85 and 86 were amended by [S.I. 2014/3141](#); section 87 was amended by paragraph 133 of Schedule 1 and Part 1 of Schedule 9 to the [Justice Act \(Northern Ireland\) 2015 \(c. 9 \(N.I.\)\)](#), [S.I. 2010/976](#) and 2014/3141; section 88 was amended by paragraph 133 of Schedule 1 and Part 1 of Schedule 9 to the [Justice Act \(Northern Ireland\) 2015](#), paragraph 6 of Schedule 2 to the [Justice Act \(Northern Ireland\) 2016 \(c. 21 \(N.I.\)\)](#), [S.I. 2010/976](#) and 2014/3141; sections 89 to 92 were amended by [S.I. 2010/976](#) and 2014/3141.

**M10** Amended by [S.I. 2014/3141](#).

**M11** Amended by [S.I. 2010/976](#).

**M12** Amended by [S.I. 2010/976](#), 2011/1043, 2012/1809, 2014/3141.

#### <sup>[F17]</sup>Transitional and saving provision: decisions requiring payment of financial penalties received before IP completion day

20.—(1) The following provisions of the 2008 Act continue to apply, as if they had not been revoked by regulation 19, to relevant decisions requiring payment of financial penalties—

- (a) regulation 80(2) to (5);
- (b) regulations 81 to 90A;

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**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (c) regulation 91(1) and (2)
  - (d) regulation 92;
  - (e) Schedule 18;
  - (f) Schedule 19;
  - (g) paragraph 29(2) to (4) of Schedule 27.
- (2) A relevant decision requiring payment of a financial penalty is one received, with a certificate requesting enforcement of a penalty, before IP completion day by—
- (a) the central authority or competent authority of a member State under section 81(3) or (as the case may be) under section 83(3) of the 2008 Act (procedure on issue of certificate: England and Wales and procedure on issue of certificate; Northern Ireland), or by any other authority of the member State with no jurisdiction to enforce a penalty but which transmits the decision and certificate to the competent authority; or
  - (b) the Lord Chancellor or Department of Justice in Northern Ireland under section 84(1) or (as the case may be) under section 87(1) of the 2008 Act (requests from other member States: England and Wales and requests from other member States: Northern Ireland), or by any other authority in England and Wales or Northern Ireland with no jurisdiction to enforce a penalty but which transmits the decision and certificate to the competent authority.
- (3) For the purposes of this regulation—
- (a) “central authority” and “competent authority” has the same meaning as in section 92(1) of the 2008 (interpretation of sections 80 to 91 etc.);
  - (b) “a certificate requesting enforcement” has the same meaning as in section 92(3) of the 2008 Act;
  - (c) for the purposes of this regulation, the provisions of the 2008 Act referred to in paragraph (1) are to be read as if the term “member State” included the United Kingdom.]

**F17** Reg. 20 substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Separation Issues etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1408\)](#), regs. 1, **50**

#### **Commencement Information**

**I19** Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

## **PART 6**

### **TAKING ACCOUNT OF CONVICTIONS**

#### **CHAPTER 1**

Amendments: legislation that extends to England and Wales only

#### **Amendment of the Prevention of Crime Act 1953**

**<sup>F18</sup>21.** .....

**F18** Reg. 21 revoked (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

## Amendment of the Magistrates' Courts Act 1980

**22.**—(1) Section 19 of the Magistrates' Courts Act 1980 (decision as to allocation)<sup>M13</sup> is amended as follows.

- (2) In subsection (5)—
  - (a) at the end of paragraph (a), insert “ or ”;
  - (b) omit paragraph (aa).
- (3) Omit subsection (5A).

### Commencement Information

**I20** Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

### Marginal Citations

**M13** [1980 c. 43](#); section 19 was amended by paragraph 5 of Schedule 3 to the [Criminal Justice Act 2003 \(c. 44\)](#), and paragraph 4 of Schedule 17, paragraph 80 of Schedule 21, and Part 5 of Schedule 23 to the [Coroners and Justice Act 2009 \(c. 25\)](#).

## Amendment of the Criminal Justice and Public Order Act 1994

**23.**—(1) Section 25 of the Criminal Justice and Public Order Act 1994 (no bail for defendants charged with or convicted of homicide or rape after previous conviction of such offences)<sup>M14</sup> is amended as follows.

- (2) In subsection (2), in the opening words, for “subsection (3)” substitute “ subsection (3A) ”.
- (3) Omit subsection (3).
- (4) Omit subsection (3B).
- (5) In subsection (5), omit the definition of “relevant foreign offence”.
- (6) Omit subsection (5A).

### Commencement Information

**I21** Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

### Marginal Citations

**M14** [1994 c. 33](#); section 25(3), (3A) and (3B) were inserted by paragraph 3(2) of Schedule 17 to the [Coroners and Justice Act 2009 \(c.25\)](#); section 25(5) was amended by paragraph 93(2) of Schedule 4 to the [Criminal Procedure \(Consequential Provisions\) \(Scotland\) Act 1995 \(c. 40\)](#), [paragraph 160](#) of Schedule 9 to the [Powers of Criminal Courts \(Sentencing\) Act 2000 \(c. 6\)](#), [paragraph 67\(b\)](#) of Schedule 32 and Part 7 of Schedule 37 to the [Criminal Justice Act 2003 \(c. 44\)](#), and paragraph 3(3) of Schedule 17 and Part 5 of Schedule 23 to the [Coroners and Justice Act 2009](#); section 25(5A) was inserted by paragraph 3(4) of Schedule 17 to the [Coroners and Justice Act 2009](#).

## Amendment of the Crime and Disorder Act 1998

**24.**—(1) Paragraph 9 of Schedule 3 to the Crime and Disorder Act 1998 (procedure where persons are sent for trial under section 51 of the Crime and Disorder Act 1998)<sup>M15</sup> is amended as follows.

*Status: This version of this Instrument contains provisions that are prospective.  
Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

- (2) In sub-paragraph (5)—
  - (a) at the end of paragraph (a), insert “ or ”;
  - (b) omit paragraph (aa).
- (3) Omit sub-paragraph (5A).

**Commencement Information**

**I22** Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

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**Marginal Citations**

**M15** 1998 c. 37; paragraph 9(5) of Schedule 3 was amended by paragraph 20(9)(b) of Schedule 3 to the [Criminal Justice Act 2003 \(c. 44\)](#), **paragraph 155** of Schedule 16 to the [Armed Forces Act 2006 \(c. 52, paragraph 5\(2\)\)](#) of Schedule 17 and Part 5 of Schedule 23 to the [Coroners and Justice Act 2009 \(c. 25\)](#); paragraph 9(5A) was inserted by paragraph 5(3) of Schedule 17 to the [Coroners and Justice Act 2009](#).

**Amendment of the Powers of Criminal Courts (Sentencing) Act 2000**

<sup>F19</sup>**25.** . . . . .

**F19** Regs. 25-27 revoked (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)

**Amendment of the Criminal Justice Act 2003**

<sup>F19</sup>**26.** . . . . .

**F19** Regs. 25-27 revoked (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)

**Amendment of the Coroners and Justice Act 2009**

<sup>F19</sup>**27.** . . . . .

**F19** Regs. 25-27 revoked (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)

CHAPTER 2

Amendments: legislation that extends to Northern Ireland only

**Amendment of the Police and Criminal Evidence (Northern Ireland) Order 1989**

**28.—**(1) The Police and Criminal Evidence (Northern Ireland) Order 1989 <sup>M16</sup> is amended as follows.

- (2) In Article 71 (proof of convictions and acquittals) <sup>M17</sup>—
  - (a) omit paragraph (1A);

- (b) omit paragraph (2)(c) and the “and” preceding it.
- (3) In Article 72 (conviction as evidence of commission of offence) <sup>M18</sup>—
  - (a) in paragraph (1), omit “or any other member State”;
  - (b) in paragraph (2), omit “or any other member State”;
  - (c) in paragraph (3)(a), omit “or any other member State”.
- (4) In Article 73(1) (provisions supplementary to Article 72) <sup>M19</sup>, for sub-paragraph (b) substitute—
  - “(b) the contents of the complaint, indictment or charge-sheet on which the person in question was convicted.”.

#### **Commencement Information**

**I23** Reg. 28 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### **Marginal Citations**

**M16** [S.I. 1989/1341 \(N.I. 12\)](#).

**M17** Article 71(1A) and (2)(c) were inserted by paragraph 16 of Schedule 17 to the [Coroners and Justice Act 2009 \(c. 25\)](#).

**M18** Article 72(1) was amended by paragraph 17 of Schedule 17 to the [Coroners and Justice Act 2009 \(c. 25\)](#) and [S.I. 2004/1501 \(N.I. 10\)](#), and Article 72(2) and (3)(a) was amended by paragraph 17 of Schedule 17 to the Coroners and Justice Act 2009.

**M19** Amended by paragraph 18 of Schedule 17 to the [Coroners and Justice Act 2009 \(c. 25\)](#).

### CHAPTER 3

Amendments: legislation that extends to England and Wales and Northern Ireland

#### **Amendment of the Police and Criminal Evidence Act 1984**

- 29.**—(1) The Police and Criminal Evidence Act 1984 <sup>M20</sup> is amended as follows.
- (2) In section 73 <sup>M21</sup> (proof of convictions and acquittals)—
    - (a) in subsection (1), omit “or any other member State”;
    - (b) omit subsection (2)(c) and the “and” preceding it;
    - (c) in subsection (3)—
      - (i) in paragraph (b), omit “in the United Kingdom”;
      - (ii) omit paragraph (c) and the “and” preceding it.
  - (3) In section 74 (conviction as evidence of commission of offence) <sup>M22</sup>—
    - (a) in subsection (1), omit “or any other member State”;
    - (b) in subsection (2), omit “or any other member State”;
    - (c) in subsection (3)(a), omit “or any other member State”.
  - (4) In section 75(1) (provisions supplementary to section 74) <sup>M23</sup>, for paragraph (b) substitute—
    - “(b) the contents of the information, complaint, indictment or charge-sheet on which the person in question was convicted.”.

*Status: This version of this Instrument contains provisions that are prospective.*  
**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Commencement Information

**I24** Reg. 29 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

#### Marginal Citations

**M20** 1984 c. 60.

**M21** Section 73(1) was amended by paragraph 13(2) of Schedule 17 to the **Coroners and Justice Act 2009 (c. 25)** (“the 2009 Act”); section 73(2) was amended by paragraph 128(2) of Schedule 13 to the Access to Justice Act 1999 (c. 22) and paragraph 13(3) of Schedule 17 to the 2009 Act; section 73(3) was amended by paragraph 285 of Schedule 8 to the **Courts Act 2003 (c. 39)** and paragraph 13(4) of Schedule 17 to the 2009 Act.

**M22** Section 74(1) was amended by paragraph 85(2) of Schedule 36 to the **Criminal Justice Act 2003 (c. 44)** and paragraph 14(2) of Schedule 17 to the **Coroners and Justice Act 2009 (c. 25)** (“the 2009 Act”); section 74(2) and 74(3)(a) was amended by paragraph 14 of Schedule 17 to the 2009 Act.

**M23** Amended by paragraph 15 of Schedule 17 to the **Coroners and Justice Act 2009 (c.25)**.

#### Amendment of the Criminal Justice Act 1988

**F20** 30. ....

**F20** Reg. 30 revoked (1.12.2020) by **Sentencing Act 2020 (c. 17)**, s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

#### CHAPTER 4

##### Transitional provision

#### [<sup>F21</sup>Transitional provision

**31.—(1)** This Part does not apply in relation to proceedings instituted before IP completion day (and see Article 62(1)(g) of the withdrawal agreement and sections 7A and 7C of the European Union (Withdrawal) Act 2018).

(2) For the purposes of paragraph (1) as it extends to England and Wales, proceedings are instituted when proceedings are instituted for the purposes of Part 1 of the Prosecution of Offences Act 1995, in accordance with section 15(2) of that Act.

(3) For the purposes of paragraph (1) as it extends to Northern Ireland, proceedings are instituted when proceedings are instituted for the purposes of Part 2 of the Justice (Northern Ireland) Act 2002, in accordance with section 44(1) of that Act.]

**F21** Reg. 31 substituted (31.12.2020 immediately before IP completion day) by **The Taking Account of Convictions (EU Exit) (Amendment) Regulations 2020 (S.I. 2020/1520)**, regs. 1(1), 7

#### Commencement Information

**I25** Reg. 31 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)



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## EXPLANATORY NOTE

*(This note is not part of these Regulations)*

These Regulations are made under powers in section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(c)) arising from the withdrawal of the UK from the European Union (“the EU”).

Part 2 revokes the retained EU law which was originally enacted to implement Council Directive [2004/80/EC](#) of 29 April 2004 relating to compensation to crime victims. The purpose of this Directive was to set up a system of co-operation to facilitate access to compensation to victims of violent intentional crimes in cases where the crime was committed in a member State of the EU other than where the victim was habitually resident. In the absence of an agreement with the EU providing for continued cooperation under this instrument, on exit day these reciprocal arrangements will cease to exist in so far as the UK is concerned.

Part 3 revokes the retained EU law which was originally enacted in England and Wales (Chapter 1) and Northern Ireland (Chapter 2) to implement Directive 2011/99/EU of the European Parliament and Council of 13 December 2011 on the European protection order. This Directive enables a measure made in criminal proceedings in one member State for the purpose of protecting a person to be recognised and enforced in another member State. In the absence of an agreement with the EU providing for continued cooperation under this instrument, on exit day these reciprocal arrangements will cease to exist in so far as the UK is concerned.

Regulations 5 to 8 and regulations 11 to 14 of Part 3 make transitional and saving provision in relation to England and Wales and Northern Ireland respectively. These regulations provide: for restraining orders that were made before exit day to give effect to a European protection order to be varied or discharged on or after exit day; and for requests for recognition, modification or revocation of a European protection order received, but not processed, before exit day to be processed after exit, with modifications to reflect the fact that there will be no further cooperation with the issuing member State after exit.

Part 4 revokes the retained EU law which was originally enacted in England and Wales and Northern Ireland to implement Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention (‘European supervision orders’). This Framework Decision enables a supervision measure (for example, bail granted subject to conditions) issued in criminal proceedings in one member State to be recognised and monitored in another member State. In the absence of an agreement with the EU providing for continued cooperation under this instrument, on exit day these reciprocal arrangements will cease to exist as far as the UK is concerned.

Part 5 revokes the retained EU law which was originally enacted in England and Wales and Northern Ireland to implement Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties. Part 5 also makes saving provision in relation to requests for enforcement of financial penalties received by the Lord Chancellor or the Department of Justice in Northern Ireland before exit day.

Part 6 amends retained EU law which was originally enacted to implement Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings. This requires known convictions in other EU states to be taken into account (for example, when passing sentence) to the extent national law requires national convictions to be taken into account. In the absence of an agreement with the EU providing for continued cooperation under this instrument, on exit day these reciprocal arrangements will cease to exist in so far as the UK is concerned. Chapter 1

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**Changes to legislation:** *There are currently no known outstanding effects for the The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

therefore amends England and Wales implementing legislation, and Chapter 2 Northern Ireland implementing legislation, to provide for EU convictions to be treated in the same way as other non-UK convictions. Chapter 3 makes consequential amendments. Chapter 4 makes transitional provision for criminal proceedings instituted before exit day.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Ministry of Justice, 102 Petty France, London, SW1H 9AJ and is published alongside this instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Status:**

This version of this Instrument contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019.