

2022 No. 816 (C. 48)

CRIMINAL LAW, ENGLAND AND WALES

JUDICIAL REVIEW

**The Criminal Justice Act 2003 (Commencement No. 34) and
Judicial Review and Courts Act 2022 (Commencement No. 1)
Regulations 2022**

Made - - - -

13th July 2022

These Regulations are made in exercise of the powers conferred on the Secretary of State by section 336(3) and (4) of the Criminal Justice Act 2003(a), and the powers conferred on the Lord Chancellor by section 51(4) and (5) of the Judicial Review and Courts Act 2022(b).

Citation and interpretation

1.—(1) These Regulations may be cited as the Criminal Justice Act 2003 (Commencement No. 34) and Judicial Review and Courts Act 2022 (Commencement No. 1) Regulations 2022.

(2) In these Regulations—

“the 2003 Act” means the Criminal Justice Act 2003, and

“the 2022 Act” means the Judicial Review and Courts Act 2022.

Commencement of provisions in the 2003 Act

2. The following provisions of the 2003 Act come into force on the day after the day on which these Regulations are made—

- (a) subsections (7) and (8) of section 281 (alteration of penalties for other summary offences), but only in so far as they relate to section 282 of the 2003 Act (increase in maximum term that may be imposed on summary conviction of offence triable either way), and
- (b) the entry in Part 7 of Schedule 37 to the Criminal Justice Act 2003 (repeals) relating to Schedule 8 to the Crime and Disorder Act 1998(c) (minor and consequential amendments), and section 332 (repeals) in so far as it relates to those provisions.

Commencement of provisions in the 2022 Act

3. The following provisions of the 2022 Act come into force on the day after the day on which these Regulations are made—

(a) 2003 c. 44.
(b) 2022 c. 35.
(c) 1998 c. 37.

- (a) section 1 (quashing orders),
- (b) section 2 (exclusion of review of Upper Tribunal’s permission-to-appeal decisions),
- (c) section 13 (maximum term of imprisonment on summary conviction for either-way offence), in so far as it is not already in force, and
- (d) paragraphs 16 to 21 of Schedule 2 (criminal procedure: consequential and related amendments), and section 18 (consequential and related amendments) in so far as it relates to those provisions.

Sarah Dines
Parliamentary Under Secretary of State
Ministry of Justice

13th July 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force provisions in the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”) and in the Judicial Review and Courts Act 2022 (c. 35) (“the 2022 Act”). The provisions come into force the day after the day on which these Regulations are made.

Regulation 2(a) brings into force subsections (7) and (8) of section 281 of the 2003 Act (alteration of penalties for other summary offences), but only in so far as they relate to section 282 of the 2003 Act (increase in maximum term that may be imposed on summary conviction of offence triable either way). Section 281(7) sets out the definition of “relevant enactment” and section 281(8) contains the definition of subordinate legislation for the purposes of section 281(7). Section 282(3) was commenced on 2 May 2022 (S.I. 2022/500).

Regulation 2(b) brings into force the repeal of consequential amendments in Schedule 8 to the Crime and Disorder Act 1998 (c. 37), which amend legislation in the Criminal Justice Act 1967 (c. 80), Criminal Appeal Act 1968 (c.19), Repatriation of Prisoners Act 1984 (c. 47), Criminal Justice Act 1991 (c. 53) and the Crime Sentences Act 1997 (c. 43), regarding repealed release provisions for prisoners.

Regulation 3(a) brings into force section 1 of the 2022 Act (quashing orders). Section 1 inserts new section 29A into the Senior Courts Act 1981 (c. 54) to provide the courts with new powers to delay, limit or remove the retrospective effect of quashing orders in judicial review cases. It also provides a list of factors for the courts to consider when making such orders.

Regulation 3(b) brings into force section 2 of the 2022 Act (exclusion of review of Upper Tribunal’s permission-to-appeal decisions). Section 2 inserts new section 11A into the Tribunals, Courts and Enforcement Act 2007 (c. 15) to prevent judicial review of permission-to-appeal decisions of the Upper Tribunal, subject to specified exemptions.

Regulation 3(c) brings into force section 13 of the 2022 Act (maximum term of imprisonment on summary conviction for either-way offence), in so far as it is not already in force. Section 13(3) came into force, upon the 2022 Act receiving Royal Assent.

Regulation 3(d) brings into force paragraphs 16 to 21 of Schedule 2 to the 2022 Act (criminal procedure: consequential and related amendments), which make amendments in connection with section 13.

An impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.

NOTE AS TO EARLIER COMMENCEMENT ORDERS AND REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Criminal Justice Act 2003 have been brought into force by commencement orders or regulations made before the date of these Regulations:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 and 2	20.1.2004	2004/81
Section 3	29.1.2004	2004/81
Section 4	20.1.2004	2004/81
Section 5 (partially)	1.8.2004	2004/1867
Section 5 (remainder)	1.12.2005	2005/3055
Sections 6 to 8	20.1.2004	2004/81
Section 9	5.4.2004	2004/829
Section 10	5.4.2004	2004/829
Sections 11 and 12	20.1.2004	2004/81
Section 13	5.4.2004	2004/829
Section 14 (partially)	1.1.2007	2006/3217
Section 15 (partially)	5.4.2004	2004/829
	1.1.2007	2006/3217
Sections 16 and 17	5.4.2004	2004/829
Section 18	4.4.2005	2005/950
Sections 19 to 21	5.4.2004	2004/829
Sections 22 to 24	3.7.2004	2004/1629
Section 25	29.1.2004	2004/81
Section 26	3.7.2004	2004/1629
Section 27 (partially)	3.7.2004	2004/1629
Section 27 (remainder)	16.11.2009	2009/2775
Section 28	29.1.2004	2004/81
	3.7.2004	2004/1629
	1.10.2007	2007/2874
Sections 29 and 30 (partially)	25.7.2007	2007/1999
	9.6.2008	2008/1424
	1.11.2009	2009/2879
	1.1.2011	2010/3005
	6.9.11	2011/2188
	3.10.11	2011/2188
	19.3.12	2012/825
	1.4.14	2014/633
Section 31	29.1.2004	2004/81
Section 32 (partially)	4.4.2005	2005/950
Section 32 (remainder)	15.7.2005	2005/1817
Section 33 (partially)	4.4.2005	2005/950
	24.7.2006	2006/1835
	15.7.2005	2005/1817
Section 34	1.5.2010	2010/1183
Sections 36 to 38 (partially)	4.4.2005	2005/950
Sections 36 to 38 (remainder)	15.7.2005	2005/1817

Section 39 (partially)	4.4.2005	2005/950
	15.7.2005	2005/1817
	1.5.2010	2010/1183
Section 40	5.4.2004	2004/829
Section 41 (partially)	4.4.2005	2005/950
	18.5.2012	2012/1320
	18.6.2012	2012/1320
	4.11.2012	2012/2761
	5.11.2012	2012/2574
	28.5.2013	2013/1103
Section 42	22.1.2004	2004/81
Section 44	24.7.2006	2006/1835
Section 45 (partially)	24.7.2006	2006/1835
Sections 46 and 47	24.7.2006	2006/1835
Section 48 (partially)	24.7.2006	2006/1835
Section 49	29.1.2004	2004/81
Section 50 (partially)	8.1.2007	2006/3422
Sections 51 to 52 and 54 (partially)	7.12.2007	2007/3451
Sections 51 to 52 and 54 (remainder)	26.4.2010	2010/1183
Section 55	29.1.2004	2004/81
Section 56 (partially)	7.12.2007	2007/3451
Section 56 (remainder)	26.4.2010	2010/1183
Sections 57 to 61 and 67 to 72	4.4.2005	2005/950
Section 73	29.1.2004	2004/81
Sections 74 to 92	4.4.2005	2005/950
Section 93	29.1.2004	2004/81
Sections 94 and 95	4.4.2005	2005/950
Section 96	18.4.2005	2005/950
Section 97	7.3.2005	2005/373
Sections 98 to 110	15.12.2004	2004/3033
Section 111	29.1.2004	2004/81
Section 112	15.12.2004	2004/3033
Section 113	1.1.2005	2004/3033
Sections 114 to 131	4.4.2005	2005/950
Section 132	29.1.2004	2004/81
Section 133 to 136	4.4.2005	2005/950
Sections 139 to 141	5.4.2004	2004/829
Sections 142 to 150, 152, 153 and 156 to 157	4.4.2005	2005/950
Sections 158 and 159 (partially)	7.3.2005	2005/373
Sections 158 and 159 (remainder), 160 and 162 to 166	4.4.2005	2005/950
Sections 167, 168 (partially) and 169 to 173	27.2.2004	2004/81
Section 174 (partially)	5.4.2004	2004/829
Section 174 (remainder)	4.4.2005	2005/950
Section 175	4.4.2005	2005/950

Section 176	5.4.2004	2004/829
Section 177	4.4.2005	2005/950
Section 178	7.3.2005	2005/373
Sections 179 and 180 (partially)	4.4.2005	2005/950
Sections 182 (partially) and 183 (partially) and 184 to 187	26.1.2004	2003/3282
Sections 189 to 194	4.4.2005	2005/950
Section 195 (partially)	26.1.2004	2003/3282
Section 195 (remainder)	4.4.2005	2005/950
Section 196 (partially)	26.1.2004	2003/3282
	4.4.2005	2005/950
Section 197 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
Section 197 (remainder)	4.4.2005	2005/950
Sections 198 to 199 (partially)	26.1.2004	2003/3282
Sections 198 to 199 (remainder)	4.4.2005	2005/950
Section 200 (partially)	26.1.2004	2003/3282
Section 200 (remainder)	4.4.2005	2005/950
Section 201 (partially)	26.1.2004	2003/3282
Section 201 (remainder)	4.4.2005	2005/950
Section 202 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
Section 202 (remainder)	4.4.2005	2005/950
Section 203 (partially)	26.1.2004	2003/3282
Section 203 (remainder)	4.4.2005	2005/950
Section 204 (partially)	26.1.2004	2003/3282
	4.4.2005	2005/950
Section 205 (partially)	26.1.2004	2003/3282
Section 205 to 212 (remainder)	4.4.2005	2005/950
Section 213 (partially)	26.1.2004	2003/3282
	4.4.2005	2005/950
Section 214 (partially)	26.1.2004	2003/3282
Section 214 (remainder)	4.4.2005	2005/950
Section 215 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
Section 215 (remainder)	4.4.2005	2005/950
Section 216 (partially)	26.1.2004	2003/3282
	4.4.2005	2005/950
Section 217 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
Section 217 (remainder)	4.4.2005	2005/950
Section 218 (partially)	26.1.2004	2003/3282
Section 218 (remainder)	4.4.2005	2005/950
Section 219 (partially)	26.1.2004	2003/3282
Section 219 (remainder)	4.4.2005	2005/950
Section 220	4.4.2005	2005/950
Section 221 (partially)	26.1.2004	2003/3282
Section 221 (remainder)	4.4.2005	2005/950

Section 222 (partially)	26.1.2004	2003/3282
Section 222 (remainder)	7.3.2005	2005/373
Section 223 (partially)	26.1.2004	2003/3282
Section 223 (remainder)	7.3.2005	2005/373
Sections 224 to 236	4.4.2005	2005/950
Section 237 (partially)	26.1.2004	2003/3282
Section 237 (remainder)	4.4.2005	2005/950
Section 238	4.4.2005	2005/950
Section 239 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
Section 239 (remainder)	4.4.2005	2005/950
Section 240 (partially)	7.3.2005	2005/373
Section 240 (remainder)	4.4.2005	2005/950
Section 241 (partially)	26.1.2004	2003/3282
Section 241 (remainder)	4.4.2005	2005/950
Sections 242 to 243	4.4.2005	2005/950
Section 244 (partially)	26.1.2004	2003/3282
	4.4.2005	2005/950
Section 245 (partially)	26.1.2004	2003/3282
Section 246 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
Section 246 (remainder)	4.4.2005	2005/950
Section 247	4.4.2005	2005/950
Section 248 (partially)	26.1.2004	2003/3282
Section 248 (remainder)	4.4.2005	2005/950
Section 249 (partially)	26.1.2004	2003/3282
Section 249 (remainder)	4.4.2005	2005/950
Section 250 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
	4.4.2005	2005/950
Sections 251 to 252 (partially)	26.1.2004	2003/3282
Section 252 (remainder)	4.4.2005	2005/950
Section 253 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
Section 253 (remainder)	4.4.2005	2005/950
Sections 254 to 256 (partially)	26.1.2004	2003/3282
Sections 254 to 256 (remainder)	4.4.2005	2005/950
Section 257 (partially)	26.1.2004	2003/3282
	7.3.2005	2005/373
	4.4.2005	2005/950
	3.12.2012	2012/2905
Section 258	4.4.2005	2005/950
Section 259 (partially)	26.1.2004	2003/3282
Section 259 (remainder)	4.4.2005	2005/950
Section 260 (partially)	7.3.2005	2005/373
Section 260 (remainder)	4.4.2005	2005/950
Section 261	4.4.2005	2005/950
Section 262	14.6.2004	2004/829
Section 263 (partially)	26.1.2004	2003/3282
Section 263 (remainder)	4.4.2005	2005/950

Section 264 (partially)	26.1.2004	2003/3282
	4.4.2005	2005/950
Section 265 (partially)	26.1.2004	2003/3282
Section 265 (remainder)	4.4.2005	2005/950
Section 267	7.3.2005	2005/373
Section 268 (partially)	26.1.2004	2003/3282
Section 268 (remainder)	4.4.2005	2005/950
Section 278	4.4.2005	2005/950
Section 279 (partially)	1.12.2004	2004/3033
Section 282	2.5.2022	2022/500
Section 283 (partially)	2.5.2022	2022/500
Section 284	29.1.2004	2004/81
Section 285	27.2.2004	2004/81
Section 286	29.1.2004	2004/81
Sections 287 to 293	22.1.2004	2004/81
Sections 294 to 297	20.1.2004	2004/81
Section 299	1.5.2004	2004/829
Section 300 (partially) and 301 (partially)	7.3.2005	2005/373
Section 302 (partially)	26.1.2004	2003/3282
Section 302 (remainder)	4.4.2005	2005/950
Section 303 (partially)	4.4.2005	2005/950
Section 304 (partially)	26.1.2004	2003/3282
	22.1.2004	2004/81
	4.4.2005	2005/950
Section 305 (partially)	26.1.2004	2003/3282
Section 305 (remainder)	4.4.2005	2005/950
Section 306	20.1.2004	2004/81
Section 307	21.7.2005	2005/1817
Sections 308 to 312	4.4.2005	2005/950
Sections 313 and 314	1.9.2004	2004/1629
Section 315	4.4.2005	2005/950
Sections 316 and 317	1.9.2004	2004/1629
Section 318	1.9.2004	2004/1629
Section 319	4.4.2005	2005/950
Section 320	20.1.2004	2004/81
Section 321	5.4.2004	2004/829
Sections 322 and 323	1.5.2004	2004/829
Section 324	27.2.2004	2004/81
Sections 325 to 327	5.4.2004	2004/829
Section 328 (partially)	29.1.2004	2004/81
	6.4.2006	2006/751
Section 328 (remainder)	3.12.2007	2007/3340
Section 329	20.1.2004	2004/81
Section 331 (partially)	5.4.2004	2004/829
	1.9.2004	2004/1629
	15.12.2004	2004/3033
	1.1.2005	2004/3033
	4.4.2005	2005/950
	15.7.2005	2005/1817

	24.7.2006	2006/1835
	8.1.2007	2006/3422
	1.10.2007	2007/2874
	18.6.2012	2012/1320
Section 332 (partially)	20.1.2004	2004/81
	29.1.2004	2004/81
	27.2.2004	2004/81
	5.4.2004	2004/829
	15.12.2004	2004/3033
	4.4.2005	2005/950
	15.7.2005	2005/1817
	6.4.2006	2006/751
	3.12.2007	2007/3340
	18.6.2012	2012/1320
	4.11.2012	2012/2761
	5.11.2012	2012/2574
	28.5.2013	2013/1103
Section 333 (partially)	27.2.2004	2004/81
	4.4.2005	2005/950
Schedule 1	20.1.2004	2004/81
Schedule 2 (partially)	29.1.2004	2004/81
	3.7.2004	2004/1629
Schedule 2 (remainder)	1.10.2007	2007/2874
Schedule 3 (partially)	4.4.2005	2005/950
	9.5.2005	2005/1267
	18.5.2012	2012/1320
	18.6.2012	2012/1320
	4.11.2012	2012/2761
	5.11.2012	2012/2574
	28.5.2013	2013/1103
Schedule 5	4.4.2005	2005/950
	18.4.2005	2005/950
Schedule 6	1.1.2005	2004/3033
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Schedule 10	26.1.2004	2003/3282
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Schedule 14 (remainder)	4.4.2005	2005/950
Schedules 15 to 18	4.4.2005	2005/950
Schedule 19 (partially)	26.1.2004	2003/3282
Schedule 19 (remainder)	4.4.2005	2005/950
Schedule 20	14.6.2004	2004/829
Schedule 23	4.4.2005	2005/950
Schedule 24 (partially)	1.12.2004	2004/3033
Schedule 28	29.1.2004	2004/81
Schedule 29	22.1.2004	2004/81
Schedule 30	1.5.2004	2004/829

Schedule 31 (partially)	7.3.2005	2005/373
Schedule 32 (partially)	26.1.2004	2003/3282
	22.1.2004	2004/81
	4.4.2005	2005/950
	30.11.2009	2009/3111
Schedule 33	5.4.2004	2004/829
Schedule 34	27.2.2004	2004/81
Schedule 35 (partially)	29.1.2004	2004/81
	6.4.2006	2006/751
	3.12.2007	2007/3340
	1.4.2008	2008/694
Schedule 36 (partially)	5.4.2004	2004/829
	1.9.2004	2004/1629
	15.12.2004	2004/3033
	1.1.2005	2004/3033
	4.4.2005	2005/950
	18.4.2005	2005/950
	15.7.2005	2005/1817
	24.7.2006	2006/1835
	1.1.2007	2006/3217
	8.1.2007	2006/3422
	1.10.2007	2007/2874
	18.6.2012	2012/1320
Schedule 37 (partially)	20.1.2004	2004/81
	29.1.2004	2004/81
	27.2.2004	2004/81
	5.4.2004	2004/829
	15.12.2004	2004/3033
	4.4.2005	2005/950
	9.5.2005	2005/1267
	15.7.2005	2005/1817
	6.4.2006	2006/751
	3.12.2007	2007/3340
	18.6.2012	2012/1320
	4.11.2012	2012/2761
	5.11.2012	2012/2574
	3.12.2012	2012/2905
	28.5.2013	2013/1103
Schedule 38 (partially)	27.2.2004	2004/81
	4.4.2005	2005/950

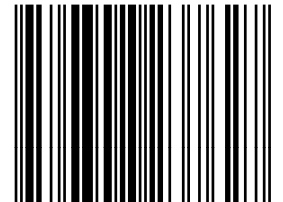
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