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STATUTORY INSTRUMENTS

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**1995 No. 127 (C.4)**

**CRIMINAL LAW, ENGLAND AND WALES  
CRIMINAL LAW, SCOTLAND  
CRIMINAL LAW, NORTHERN IRELAND**

**The Criminal Justice and Public Order Act 1994  
(Commencement No. 5 and Transitional Provisions) Order 1995**

*Made - - - - 19th January 1995*

In exercise of the powers conferred upon him by section 172(2) and (3) of the Criminal Justice and Public Order Act 1994<sup>(1)</sup>, the Secretary of State hereby makes the following Order:

**1.** This Order may be cited as the Criminal Justice and Public Order Act 1994 (Commencement No. 5 and Transitional Provisions) Order 1995.

**2.—**(1) Subject to paragraphs (2) and (3) below, the provisions of the Criminal Justice and Public Order Act 1994 (“the 1994 Act”) referred to in the left-hand column of Schedule 1 to this Order (which relate to the matters described in the right-hand column of that Schedule) shall come into force on 3rd February 1995.

(2) Schedule 2 (transitional provisions) shall have effect in relation to the coming into force of the provisions of the 1994 Act specified therein.

(3) The coming into force on 3rd February 1995 of section 134(3) of the 1994 Act shall have effect only for the purpose of the making of rules under section 18(3A) of the Prisons (Scotland) Act 1989<sup>(2)</sup>, and the said section 134(3) shall otherwise come into force on 1st June 1995.

**3.—**(1) Subject to the following provisions, this Order extends to England and Wales only.

(2) So far as relating to the following provisions of the 1994 Act, namely sections 47(3), 49, 64(1) to (3), 66(6) and (10) to (13), 67(3), (4), (5), (8) and (9), 157(1), 163, 169 and 170, this Order also extends to Scotland.

(3) So far as relating to the following provisions, namely sections 88, 91 and 92, 136 to 141, 157(2), (3), (4), (5) and (9), 161, 162, 164 and 168, this Order extends to the United Kingdom.

(4) So far as relating to sections 102(1) to (3), 104, 105 and 117, so far as those provisions relate to the transfer of prisoners to or from premises situated in a part of the British Islands outside Scotland,

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(1) 1994 c. 33.

(2) 1989 c. 45.

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this Order extends to that part of those Islands, but otherwise so far as relating to Chapter II of Part VIII this Order extends to Scotland only.

(5) So far as relating to the following provisions, namely sections 47(4), 84(5) to (7), 87, Part IX, sections 152(2), 153, 157(7) and section 160(2), this Order extends to Scotland only.

(6) So far as relating to the following provisions, namely sections 84(8) to (11), 85(4) to (6), 86(2) and 157(8), this Order extends to Northern Ireland only.

(7) So far as relating to the amendment, repeal or revocation of any enactment by Schedule 9, 10 or 11, this Order has the same extent as that amendment, repeal or revocation.

Home Office  
19th January 1995

*Michael Howard*  
One of Her Majesty's Principal Secretaries of  
State

## SCHEDULE 1

Article 2(1)

PROVISIONS OF THE CRIMINAL JUSTICE AND PUBLIC ORDER  
ACT 1994 COMING INTO FORCE ON 3RD FEBRUARY 1995

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Section 17	Maximum length of detention for young offenders.
Section 18	Accommodation of young offenders sentenced to custody for life.
Section 23	Arrest of young persons in breach of conditions of remand.
Section 24	Police detention of young persons.
Sections 31 to 33	Evidence: imputations on character and corroboration.
Sections 40 to 43	Juries.
Section 46	Criminal damage: summary trial.
Section 47	Fines: deduction from income support.
Section 48	Sentencing: guilty pleas.
Section 49	Publication of reports in young offender cases.
Section 50	Child testimony.
Section 51	Intimidation, etc. of witnesses, jurors, etc.
Section 64(1) to (3), so far as relating to powers conferred on a constable by section 63	Supplementary powers of entry.
Section 66(6) and (10) to (13) and section 67(3), (4), (5), (8) and (9)	Power of court to forfeit sound equipment and retention and charges for seized property.
Sections 72 to 74	Squatters.
Sections 84 to 87	Obscene publications and indecent photographs of children.
Sections 88 and 91	Video recordings.
Section 92	Obscene, offensive or annoying telephone calls: increase in penalty.
Sections 102 to 117 and Schedule 6	Scottish prisons.
Sections 129 to 135	Miscellaneous amendments: Scotland.
Sections 136 to 141	Cross-border enforcement.
Section 152	Powers of search by authorised employees in prisons.
Section 153	Prohibited articles in Scottish prisons.
Section 154	Offence of causing intentional harassment, alarm or distress.

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<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Section 155	Offence of racially inflammatory publication, etc. to be arrestable.
Section 157 and Schedule 8	Increase in penalties for certain offences.
Section 160	Constabulary powers in United Kingdom waters.
Section 161	Procuring disclosure of, and selling, computer-held personal information.
Section 162	Access to computer material by constables and other enforcement officers.
Section 163	Local authority powers to provide closed-circuit television.
Section 164	Serious fraud.
Section 168, to the extent necessary to bring into force the provisions of Schedules 9, 10 and 11 to the extent specified respectively below.	Minor and consequential amendments and repeals.
Section 169	Power of the Secretary of State to make payments or grants in relation to crime prevention, etc.
Section 170	Security costs at party conferences.
Schedule 9, to the extent specified in Appendix A below.	Minor amendments.
Schedule 10, to the extent specified in Appendix B below.	Consequential amendments.
Schedule 11, to the extent specified in Appendix C below.	Repeals.

## APPENDIX A

### PROVISIONS OF SCHEDULE 9 COMING INTO FORCE ON 3RD FEBRUARY 1995

All the provisions of Schedule 9 so far as not already in force, save for paragraphs 37(3) and 38.

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## APPENDIX B

### PROVISIONS OF SCHEDULE 10 COMING INTO FORCE ON 3RD FEBRUARY 1995

The following paragraphs of Schedule 10: paragraphs 7, 8, 11, 13, 14, 17, 18, 25, 27, 28, 29, 31, 37, 38, 45, 47, 52, 63 (so far as not already in force), 64 (so far as not already in force) and 68.

## APPENDIX C

### PROVISIONS OF SCHEDULE 11 COMING INTO FORCE ON 3RD FEBRUARY 1995

The provisions of Schedule 11, so far as not already in force, so far as it relates to the following enactments:

- Indictable Offences Act 1848 (c. 42)
- Sexual Offences Act 1956 (c. 69)
- Children and Young Persons Act 1963 (c. 37)
- Police (Scotland) Act 1967 (c. 77)
- Children and Young Persons Act 1969 (c. 54)
- Police Act 1969 (c. 63)
- Police Act (Northern Ireland) 1970 (c. 9) (N.I.)
- Juries Act 1974 (c. 23)
- Rehabilitation of Offenders Act 1974 (c. 53)
- Criminal Law Act 1977 (c. 45), section 38
- Protection of Children Act 1978 (c. 37)
- Magistrates' Courts Act 1980 (c. 43), sections 22(1) and 38(2)(b)
- Criminal Justice Act 1982 (c. 48), section 12(6), (7) and (11)
- Video Recordings Act 1984 (c. 39)
- Prisons (Scotland) Act 1989 (c. 45)
- Broadcasting Act 1990 (c. 42)
- Northern Ireland (Emergency Provisions) Act 1991 (c. 24)
- Criminal Justice Act 1991 (c. 53)
- Parole Board (Transfer of Functions) Order 1992 (S.I. 1992/1829)
- Video Recordings Act 1993 (c. 24)
- Criminal Justice Act 1993 (c. 36)

## SCHEDULE 2

Article 2(2)

### TRANSITIONAL PROVISIONS

1. Section 23 shall only have effect in relation to a person remanded as therein mentioned on or after 3rd February 1995.
2. Sections 31 and 50 and paragraph 33 of Schedule 9 shall not apply—
  - (i) to trials, or to proceedings before courts–martial under the Army Act 1955(3), or the Air Force Act 1955(4), or before courts–martial or disciplinary courts under the Naval Discipline Act 1957(5) or before Standing Civilian Courts established under the Armed Forces Act 1976(6); or

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(3) 1955 c. 18.  
(4) 1955 c. 19.  
(5) 1957 c. 53.  
(6) 1976 c. 52.

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- (ii) to applications to the Crown Court for the dismissal of charges contained in a notice of transfer given under section 4 of the Criminal Justice Act 1987(7) or section 53 of the Criminal Justice Act 1991(8); or
- (iii) to proceedings before magistrates' courts acting as examining justices,

which began before 3rd February 1995.

3. Section 129 shall apply only in the case of a person who is arrested or is detained under section 2(1) of the Criminal Justice (Scotland) Act 1980(9) or section 48 of the Criminal Justice (Scotland) Act 1987(10) on or after 3rd February 1995.

4. Where a case has been referred to the Parole Board for Scotland before 1st June 1995, section 134(3) shall not apply for the purposes of any proceedings of that Board on or after that date in dealing with that case on that reference.

5. The amendments made by paragraph 15 of Schedule 9 shall apply in relation to offenders convicted (but not sentenced) before 3rd February 1995 as they apply in relation to offenders convicted after that date.

6. Paragraph 40 of Schedule 9 shall not apply in relation to any sentence passed before 3rd February 1995.

7. Without prejudice to any express provision in that behalf contained in the 1994 Act the increases in penalties brought into force by this Order (including the amendments made by section 17), and paragraph 50 of Schedule 9, do not apply to offences committed before 3rd February 1995.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force, subject to article 2(3) and Schedule 2, on 3rd February 1995 the provisions of the Criminal Justice and Public Order Act 1994 listed in Schedule 1.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 159(1), (2) and (4)	19.12.1994	1994/2935

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(7) 1987 c. 38.

(8) 1991 c. 53.

(9) 1980 c. 62.

(10) 1987 c. 41.



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<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 16, 151 and 168 (partially); and Schedules 9, 10 and 11 (all partially only).	9.1.1995	1994/3192
Section 52	11.1.1995	1994/3258
Section 53	2.2.1995	1995/24