

2001 No. 919 (C. 33)

CHILDREN AND YOUNG PERSONS, ENGLAND AND WALES
CRIMINAL LAW, ENGLAND AND WALES
CRIMINAL LAW, SCOTLAND
FAMILY LAW, ENGLAND AND WALES

The Criminal Justice and Court Services Act 2000
(Commencement No. 4) Order 2001

Made - - - -

8th March 2001

In exercise of the powers conferred on him by sections 76(4) and 80 of the Criminal Justice and Court Services Act 2000^(a), the Secretary of State hereby makes the following Order:

1. This Order may be cited as the Criminal Justice and Court Services Act 2000 (Commencement No. 4) Order 2001.

2. The following provisions of the Criminal Justice and Court Services Act 2000 shall come into force on 1st April 2001—

- (a) Chapters I and II of Part I (the new services) and sections 18, 23, 24 and 25;
- (b) sections 43, 44, 45 (renaming certain community orders), 54 (breach of community orders: failure to answer summons) and 55 (regulation of community orders);
- (c) sections 67, 68 (arrangements for assessing etc. risks posed by certain offenders) and 69 (duties of local probation boards in connection with victims of certain offences);
- (d) section 73 (parenting orders: responsible officer);
- (e) Schedules 1, 2 and 3;
- (f) in Schedule 7 (minor and consequential amendments)—
 - (i) Part I;
 - (ii) paragraphs 6, 37, 38, 40 to 53, 57, 58, 61, 71, 72, 74, 75, 79 to 82, 84 to 97, 99, 100, 102, 103, 110, 111(a), 116 to 118, 120 to 126, 131 to 133, 141, 143, 150 to 153, 160, 166, 168, 169, 171, 174, 175, 195, 198, 200 and 205 to 210;
 - (iii) in paragraph 197, sub-paragraph (b) and the definitions of “community rehabilitation period” and “local probation board” in sub-paragraph (f);
 - (iv) in paragraph 199, sub-paragraph (1), sub-paragraph (2)(b) save in so far as it relates to exclusion and drug abstinence orders, sub-paragraphs (3) and (4), sub-paragraph (5) save in so far as it relates to exclusion and drug abstinence orders, sub-paragraph (10) in so far as it substitutes the cross-heading preceding paragraph 7 of Schedule 3 to the Powers of Criminal Courts (Sentencing) Act

^(a) 2000 c. 43.

2000(a), sub-paragraphs (14) to (18) and (20), paragraphs (a)(iii) and (e) of sub-paragraph (21) save in so far as they relate to exclusion orders and sub-paragraphs (22), (23) and (27);

(v) paragraph 203(1); and

(vi) paragraph 203(2) in so far as it relates to paragraphs 34(a), 153, 154, 155 and 156 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000;

(g) the entries in Schedule 8 (repeals) relating to the enactments referred to in the left hand column of the following table in so far as they deal with the provisions referred to in the right hand column.

<i>Chapter</i>	<i>Short Title</i>	<i>Relevant Provision</i>
1959 c. 45	Metropolitan Magistrates' Courts Act 1959	Section 3 Section 4(2)
1969 c. 54	Children and Young Persons Act 1969	Section 46(1) Paragraph 9(2)(a) of Schedule 3
1972 c. 70	Local Government Act 1972	Paragraph 2(a) of Part I of Schedule 12A
1974 c. 23	Juries Act 1974	Part I of Schedule 1
1976 c. 36	Adoption Act 1976	Sections 65(1)(b) and 65A
1980 c. 43	Magistrates' Courts Act 1980	Section 72
1983 c. 41	Health and Social Services and Social Security Adjudications Act 1983	Section 10(16)
1989 c. 41	Children Act 1989	Sections 16, 31, 41 and 58, paragraph 9 of Schedule 3 and paragraph 29 of Schedule 10
1990 c. 41	Courts and Legal Services Act 1990	Paragraphs 7 and 17 of Schedule 16 Paragraph 25 of Schedule 18
1993 c. 47	Probation Service Act 1993	The whole Act
1994 c. 19	Local Government (Wales) Act 1994	Paragraph 109 of Schedule 16
1994 c. 33	Criminal Justice and Public Order Act 1994	Paragraphs 72 and 73 of Schedule 10
1998 c. 37	Crime and Disorder Act 1998	Paragraph 110 of Schedule 8
1999 c. 22	Access to Justice Act 1999	Paragraphs 17 and 41 to 45 of Schedule 10 Paragraphs 15 and 42 of Schedule 11
1999 c. 29	Greater London Authority Act 1999	Section 326
2000 c. 6	Powers of Criminal Courts (Sentencing) Act 2000	Section 46(13) Section 47(5) Section 64(2) Section 163 Paragraph 34(a) and paragraphs 153 to 156 of Schedule 9
2000 c. 21	Learning and Skills Act 2000	Section 121

(a) 2000 c. 6.

3.—(1) For the year ending 31st March 2001 the amendments to the Audit Commission Act 1998**(a)** brought into force by article 2(e) above shall have effect to require each local probation board to arrange to make up and approve the accounts in accordance with the requirements of the Audit Commission Act 1998 and the Accounts and Audit Regulations 1996**(b)** (which have effect as if made under that Act) of any probation committee whose probation area forms, immediately before the creation of that local board, all or part of its area.

(2) In this article, “probation committee” means a probation committee constituted under section 3 of the Probation Service Act 1993**(c)** as it has effect immediately before 1st April 2001.

4. In consequence of article 2(f)(iv) above (which brings into force provisions which alter the terminology in Schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000), and until paragraph 199(10) of Schedule 7 to the Criminal Justice and Court Services Act 2000 comes into force for all purposes, paragraph 7(4) of Schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000 shall have effect as if the reference to “community service orders” were a reference to “community punishment orders” and as if the reference to “any other community service order” were a reference to “any other community punishment order”.

Home Office
8th March 2001

Jack Straw
One of Her Majesty’s Principal Secretaries of State

(a) 1998 c. 18.
(b) S.I. 1996/590.
(c) 1993 c. 47.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force Chapters I and II, and those sections of Chapter III which did not come into force on royal assent, of Part 1 of the Criminal Justice and Court Services Act 2000 on 1st April 2001. Those provisions establish the National Probation Service for England and Wales and the Children and Family Court Advisory and Support Service and make other provisions necessary for the new services to carry out their functions. The Order brings into force on the same date sections 43, 44 and 45 of the Act, which rename certain community orders, and sections 54 and 55, which bring in new provisions for breach of community orders and for their regulation.

The Order also brings into force sections 67, 68, 69 and 73 of the Criminal Justice and Court Services Act 2000 on 1st April 2001. Sections 67 and 68 place duties on the police and local probation boards to act jointly to make arrangements for assessing and managing the risks posed by certain high risk offenders, and to report each year about how they have discharged those duties. Section 69 requires local probation boards to take steps to enable victims of certain violent or sexual offenders to make representations about the offender's release conditions, which boards must pass on to the person responsible for setting those conditions, and to enable such victims to be told of any release conditions and to be given other information that is considered appropriate. Section 73 adds a person nominated by a chief education officer of a local authority to the list of people who can be named as a responsible officer in a parenting order under section 8 of the Crime and Disorder Act 1998.

The Order also brings into force related minor and consequential amendments and repeals on the same date and makes transitional arrangements for dealing with the accounts of probation committees up to the date when they ceased to exist and for updating references in consequence of the renaming of certain community orders.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Criminal Justice and Court Services Act 2000 have been brought into force by the Criminal Justice and Court Services Act (Commencement No. 1) Order 2000 (S.I. 2000/3302), the Criminal Justice and Court Services Act (Commencement No. 2) Order 2001 (S.I. 2001/340) and the Criminal Justice and Court Services Act (Commencement No. 3) Order (S.I. 2001/562).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Part II	11th January 2001	S.I. 2000/3302
Section 56	1st February 2001	S.I. 2000/3302
Section 62	1st February 2001	S.I. 2000/3302
Section 63 (in part)	1st February 2001	S.I. 2000/3302
Section 65	1st March 2001	S.I. 2001/340
Section 72	1st March 2001	S.I. 2001/562
Schedule 4	11th January 2001	S.I. 2000/3302
Schedule 7 (in part)	11th January 2001	S.I. 2000/3302
Schedule 8 (in part)	11th January 2001	S.I. 2000/3302

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