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STATUTORY INSTRUMENTS

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**2012 No. 2905 (C. 113)**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Criminal Justice Act 2003 (Commencement  
No. 30 and Consequential Amendment) Order 2012**

*Made - - - - 17th November 2012*

The Secretary of State makes the following Order in exercise of the power conferred by section 336(3) of the Criminal Justice Act 2003<sup>(1)</sup>.

**Citation and interpretation**

1.—(1) This Order may be cited as the Criminal Justice Act 2003 (Commencement No. 30 and Consequential Amendment) Order 2012.

(2) In this Order “the Act” means the Criminal Justice Act 2003.

**Commencement of sentencing provision**

2. Section 257(2)(c) of the Act (additional days for disciplinary offences) comes into force on 3rd December 2012 in so far as it relates to paragraphs 17, 19(2) and 26 of Schedule 20B to the Act<sup>(2)</sup>.

**Commencement of certain provisions which repeal sentencing provisions**

3.—(1) The entry in Part 7 of Schedule 37 to the Act relating to section 65 of the Criminal Justice Act 1991<sup>(3)</sup> (supervision of young offenders after release) comes into force—

- (a) on 3rd December 2012 in so far as it relates to section 65(1); and
- (b) on 1st May 2013 for remaining purposes.

(2) Subject to paragraph (3), the entry in Part 7 of Schedule 37 to the Act relating to section 85 of the Sentencing Act<sup>(4)</sup> (sexual and violent offences: extension of certain custodial sentences for licence purposes)<sup>(5)</sup> comes into force on 3rd December 2012 for remaining purposes.

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(1) 2003 c.44.  
(2) Schedule 20B was inserted by paragraph 10 of Schedule 17 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10).  
(3) 1991 c.53.  
(4) The Sentencing Act is defined in section 305(1) of the Criminal Justice Act 2003 as the Powers of Criminal Courts (Sentencing) Act 2000 (c.6).  
(5) Part 7 of Schedule 37 to the Criminal Justice Act 2003 makes provision for repealing (among other things) section 85 of the Sentencing Act. The repealing provision was commenced, in so far as it relates to that section, by paragraph 44(4)(r) of Schedule 1 to the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 (S.I.

(3) The coming into force of the entry mentioned in article 3(2) is of no effect in relation to a person convicted before 3rd December 2012.

(4) The entry in Part 7 of Schedule 37 to the Act relating to sections 116 and 117 of the Sentencing Act (return to prison etc. where offence committed during original sentence)(6) comes into force on 3rd December 2012 for remaining purposes.

**Amendment of the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005**

4.—(1) In Schedule 2 to the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005(7)—

- (a) in paragraph 5(2)(c)(xii), omit “85,”; and
- (b) omit paragraph 29.

(2) This article comes into force on 3rd December 2012.

Signed by authority of the Secretary of State

*Jeremy Wright*  
Parliamentary Under Secretary of State  
Ministry of Justice

17th November 2012

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[2005/950](#)). However, paragraph 5(2)(c)(xii) of Schedule 2 to that Order provides that the coming into force of the repeal is of no effect in relation to an offence committed before 4th April 2005.

(6) Part 7 of Schedule 37 to the 2003 Act makes provision for repealing (among other things) sections 116 and 117 of the Sentencing Act. The repealing provision was commenced, in so far as it relates to those sections, by paragraph 44(4)(r) of Schedule 1 to the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 ([S.I. 2005/950](#)). However, paragraph 29 of Schedule 2 to that Order provides that the coming into force of the repeal is of no effect in relation to an offence committed before 4th April 2005 or for sentences of under 12 months.

(7) [S.I. 2005/950](#).

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## EXPLANATORY NOTE

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

The Criminal Justice Act 2003 (Commencement No. 30 and Consequential Amendment) Order 2012 commences provisions of the Criminal Justice Act 2003 (c.44) (“the Act”) as a consequence of changes to sentencing provisions made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Article 2 brings into force section 257(2)(c) of the Act (additional days for disciplinary offences) to allow for the extension of licence periods in respect of additional days where the licence period is shorter than the end of sentence.

The effect of article 3(1)(a) is the repeal of section 65(1) of the Criminal Justice Act 1991 (c.53) (supervision of young offenders after release) so that no further supervision periods can be imposed under that section. The rest of the section 65 is left in force so that any supervision periods imposed before 3rd December 2012 continue to operate and breaches can be pursued until the licence is finished. Such supervision periods only last for three months and accordingly, to allow for breach proceedings to be brought in the court, the rest of section 65 is repealed (by virtue of article 3(1)(b)) on 1st May 2013.

The effect of article 3(2) and (3) is to repeal section 85 of the Powers of Criminal Courts (Sentencing) Act 2000 (c.6) (“the Sentencing Act”) (sexual and violent offences: extension of certain custodial sentences for licence purposes), subject to a saving in relation to persons convicted before 3rd December 2012.

The effect of article 3(4) is to repeal sections 116 and 117 of the Sentencing Act (return to prison etc. where offence committed during original sentence).

Article 4 makes consequential amendments to remove previous saving provisions in relation to sections 85, 116 and 117 of the Sentencing Act.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 and 2	20th January 2004	2004/81
Section 3	29th January 2004	2004/82
Section 4	20th January 2004	2004/81
Section 5 (partially)	1st August 2004	2004/1867
Section 5 so far as not already in force	1st December 2005	2005/3055
Sections 6 to 8	20th January 2004	2004/81
Section 9	5th April 2004	2004/829
Section 10	5th April 2004	2004/829
Section 13	5th April 2004	2004/829
Section 14 (partially)	1st January 2007	2006/3217

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 15 (partially)	5th April 2004	2004/829
	1st January 2007	2006/3217
Sections 16 and 17	5th April 2004	2004/829
Section 18	4th April 2005	2005/950
Sections 19 to 21	5th April 2004	2004/829
Sections 22 to 24	3rd July 2004	2004/1629
Section 25	29th January 2004	2004/81
Sections 26 and 27 (partially)	3rd July 2004	2004/1629
Section 27 so far as not already in force	15th October 2009	2009/2775
Section 28	29th January 2004	2004/81
	3rd July 2004	2004/1629
	1st October 2007	2007/2874
	25th July 2007	2007/1999
Sections 29 and 30 (partially)	9th June 2008	2008/1424
	1st November 2009	2009/2879
	1st January 2011	2010/3005
	6th September 2011	2011/2188
	3rd September 2011	2011/2188
Section 31	19th March 2012	2012/825
	29th January 2004	2004/81
	4th April 2005	2005/950
	15th July 2005	2005/1817
Section 32 (partially)	4th April 2005	2005/950
	24th July 2006	2006/1835
	15th July 2005	2005/1817
Section 33 (partially)	4th April 2005	2005/950
	1st May 2010	2010/1183
Section 34	4th April 2005	2005/950
Sections 36 to 38 and 39 (partially)	15th July 2005	2005/1817
	1st May 2010	2010/1183
	5th April 2004	2004/829
Section 40	4th April 2005	2005/950
Section 41 (partially)	9th May 2005	2005/1267
	18th May 2012	2012/1320
	18th June 2012	2012/1320

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	5th November 2012	2012/2574
Section 42	22nd January 2004	2004/81
Sections 44, 45, 46, 47 and 48 (partially)	24th July 2006	2006/1835
Section 49	29th January 2004	2004/81
Section 50 (partially)	8th January 2007	2006/3422
Sections 51 to 54	7th December 2007	2007/3451
	26th June 2010	2010/1183
Section 55	29th January 2004	2004/81
	26th June 2010	2010/1183
Section 56	7th December 2007	2007/3451
Sections 57 to 61 and 67 to 72	4th April 2005	2005/950
Section 73	29th January 2004	2004/81
Sections 74 to 92	4th April 2005	2005/950
Section 93	29th January 2004	2004/81
Sections 94 and 95	4th April 2005	2005/950
Section 97	7th March 2005	2005/373
Sections 98 to 110	15th December 2004	2004/3033
Section 111	29th January 2004	2004/81
Section 112	15th December 2004	2004/3033
Section 113	1st January 2005	2004/3033
Sections 114 to 131 and 133 to 136	4th April 2005	2005/950
Sections 139 to 141	5th April 2004	2004/829
Sections 142 to 150, 152, 153 and 156 to 157	4th April 2005	2005/950
Sections 158 and 159 (partially)	7th March 2005	2005/373
Sections 158 to 159 so far as not already in force, 160 and 162 to 166	4th April 2005	2005/950
Sections 167 and 168 (partially) and 169 to 173	27th February 2004	2004/81
Section 174 (partially)	5th April 2004	2004/829
Section 174 so far as not already in force	4th April 2005	2005/950
Section 175	4th April 2005	2005/950
Section 176	5th April 2004	2004/829
Section 177	4th April 2005	2005/950
Section 178	7th March 2005	2005/373
Sections 179 and 180	4th April 2005	2005/950
Sections 182 to 187	26th January 2004	2003/3282

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 189 to 194	4th April 2005	2005/950
Section 195 (partially)	26th January 2004	2003/3282
Section 195 so far as not already in force	4th April 2005	2005/950
Section 196 (partially)	26th January 2004	2003/3282
	4th April 2005	2005/950
Section 197 (partially)	26th January 2004	2003/3282
	7th March 2005	2005/373
Section 197 so far as not already in force	4th April 2005	2005/950
Sections 198 to 199 (partially)	26th January 2004	2003/3282
Sections 198 to 199 so far as not already in force	4th April 2005	2005/950
Section 200 (partially)	26th January 2004	2003/3282
Section 200 so far as not already in force	4th April 2005	2005/950
Section 201 (partially)	26th January 2004	2003/3282
Section 201 so far as not already in force	4th April 2005	2005/950
Section 202 (partially)	26th January 2004	2003/32822005/373
	7th March 2005	
Section 202 so far as not already in force	4th April 2005	2005/950
Section 203 (partially)	26th January 2004	2003/3282
Section 203 so far as not already in force	4th April 2005	2005/950
Section 204 (partially)	26th January 2004	2003/32822005/950
	4th April 2005	
Section 205 (partially)	26th January 2004	2003/3282
Section 205 so far as not already in force	4th April 2005	2005/950
Section 213 (partially)	26th January 2004	2003/32822005/950
	4th April 2005	
Section 214 (partially)	26th January 2004	2003/3282
Section 214 so far as not already in force	4th April 2005	2005/950
Section 215	26th January 2004	2003/3282
	7th March 2005	2005/373
	4th April 2005	2005/950
Section 216 (partially)	26th January 2004	2003/3282
	4th April 2005	2005/950
Section 217	26th January 2004	2003/3282

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	7th March 2005	2005/373
	4th April 2005	2005/950
Section 218 (partially)	26th January 2004	2003/3282
Section 219 (partially)	26th January 2004	2003/3282
Section 221 (partially)	26th January 2004	2003/3282
Section 221 so far as not already in force	4th April 2005	2005/950
Section 222 (partially)	26th January 2004	2003/3282
Section 222 so far as not already in force	7th March 2005	2005/373
Section 223 (partially)	26th January 2004	2003/3282
Section 223 so far as not already in force	7th March 2005	2005/373
Sections 224 to 236	4th April 2005	2005/950
Section 237 (partially)	26th January 2004	2003/3282
Section 237 so far as not already in force	4th April 2005	2005/950
Section 238	4th April 2005	2005/950
Section 239 (partially)	26th January 2004	2003/3282
	7th March 2005	2005/373
Section 240 (partially)	7th March 2005	2005/373
Section 240 so far as not already in force	4th April 2005	2005/950
Section 241 (partially)	26th January 2004	2003/3282
Section 241 so far as not already in force	4th April 2005	2005/950
Sections 242 to 243	4th April 2005	2005/950
Section 244 (partially)	26th January 2004	2003/3282
	4th April 2005	2005/950
Section 245 (partially)	26th January 2004	2003/3282
Section 246 (partially)	26th January 2004	2003/3282
	7th March 2005	2005/373
	4th April 2005	2005/950
Section 247	4th April 2005	2005/950
Section 248 (partially)	26th January 2004	2003/3282
Section 248 so far as not already in force	4th April 2005	2005/950
Section 249 (partially)	26th January 2004	2003/3282
Section 249 so far as not already in force	4th April 2005	2005/950
Section 250 (partially)	26th January 2004	2003/3282
	7th March 2005	2005/373

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	4th April 2005	2005/950
Sections 251 to 252 (partially)	26th January 2004	2003/3282
Section 252 so far as not already in force	4th April 2005	2005/950
Section 253 (partially)	26th January 2004	2003/3282
	7th March 2005	2005/373
Sections 254 to 256 (partially)	26th January 2004	2003/3282
Sections 254 to 256 so far as not already in force	4th April 2005	2005/950
Section 257 (partially)	26th January 2004	2003/3282
	7th March 2005	2005/373
Section 257 so far as not already in force	4th April 2005	2005/950
Section 259 (partially)	26th January 2004	2003/3282
Section 259 so far as not already in force	4th April 2005	2005/950
Section 260 (partially)	7th March 2005	2005/373
Section 260 so far as not already in force	4th April 2005	2005/950
Section 261	4th April 2005	2005/950
Section 262	14th June 2004	2004/829
Section 263 (partially)	26th January 2004	2003/3282
Section 263 so far as not already in force	4th April 2005	2005/950
Section 264 (partially)	26th January 2004	2003/3282
	4th April 2005	2005/950
Section 265 (partially)	26th January 2004	2003/3282
Section 265 so far as not already in force	4th April 2005	2005/950
Section 267	7th March 2005	2005/373
Section 268 (partially)	26th January 2004	2003/3282
Section 268 so far as not already in force	4th April 2005	2005/950
Section 278	4th April 2005	2005/950
Section 279	1st December 2004	2004/3033
Section 284	29th January 2004	2004/81
Section 285	27th February 2004	2004/81
Section 286	29th January 2004	2004/81
Sections 287 to 293	22nd January 2004	2004/81
Sections 294 to 297	20th January 2004	2004/81
Section 299	1st May 2004	2004/829
Section 300	7th March 2005	2005/373



<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 301	7th March 2005	2005/373
Section 302 (partially)	26th January 2004	2003/3282
Section 302 so far as not already in force	4th April 2005	2005/950
Section 303 (partially)	4th April 2005	2005/950
Section 304 (partially)	26th January 2004	2003/3282
	22nd January 2004	2004/81
	4th April 2005	2005/950
Section 305 (partially)	26th January 2004	2003/3282
Section 305 so far as not already in force	4th April 2005	2005/950
Section 306	20th January 2004	2004/81
Section 307	21st July 2005	2005/1817
Sections 308 to 312	4th April 2005	2005/950
Sections 313 and 314	1st September 2004	2004/1629
Section 315	4th April 2005	2005/950
Sections 316 and 317	1st September 2004	2004/1629
Section 318	1st September 2004	2004/1629
Section 319	4th April 2005	2005/950
Section 320	20th January 2004	2004/81
Section 321	5th April 2004	2004/829
Sections 322 and 323	1st May 2004	2004/829
Section 324	27th February 2004	2004/81
Sections 325 to 327	5th April 2004	2004/829
Section 328	29th January 2004	2004/81
	6th April 2006	2006/751
	1st April 2008	2008/694
Section 329	20th January 2004	2004/81
Section 331 (partially)	5th April 2004	2004/829
	1st September 2004	2004/1629
	15th December 2004	2004/2033
	1st January 2005	2004/2033
	4th April 2005	2005/950
	15th July 2005	2005/1817
	24th July 2006	2006/1835
	8th January 2007	2006/342

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	1st October 2007	2007/2874
	18th June 2012	2012/1320
Section 332 (partially)	20th January 2004	2004/81
	29th January 2004	2004/81
	27th February 2004	2004/81
	5th April 2004	2004/829
	15th December 2004	2004/3033
	4th April 2005	2005/950
	15th July 2005	2005/1817
	6th April 2006	2006/751
	18th June 2012	2012/1320
	5th November 2012	2012/2574
Section 333	27th February 2004	2004/81
	4th April 2005	2005/950
Schedule 1	20th January 2004	2004/81
Schedule 2	29th January 2004	2004/81
	3rd July 2004	2004/1629
	1st October 2007	2007/2874
Schedule 3 (partially)	4th April 2005	2005/950
	9th May 2005	2005/1267
	18th May 2012	2012/1320
	18th June 2012	2012/1320
	5th November 2012	2012/2574
Schedule 5	4th April 2005	2005/950
Schedule 6	1st January 2005	2004/3033
Schedules 7 to 9	4th April 2005	2005/950
Schedule 10 (partially)	26th January 2004	2003/3282
Schedules 12 and 13	4th April 2005	2005/950
Schedule 14	26th January 2004	2003/3282
Schedules 15 to 18	4th April 2005	2005/950
Schedule 19	26th January 2004	2003/3282
Schedule 20	14th June 2004	2004/829
Schedule 23	4th April 2005	2005/950
Schedule 24	1st December 2004	2004/3033

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 28	29th January 2004	2004/81
Schedule 29	22nd January 2004	2004/81
Schedule 30	1st May 2004	2004/829
Schedule 31	7th March 2005	2005/373
Schedule 32 (partially)	26th January 2004	2003/3282
	22nd January 2004	2004/81
	4th April 2005	2005/950
Schedule 33	5th April 2004	2004/829
Schedule 34	27th February 2004	2004/81
Schedule 35 (partially)	29th January 2004	2004/81
	6th April 2006	2006/751
	1st April 2008	2008/694
Schedule 36 (partially)	5th April 2004	2004/829
	1st September 2004	2004/1629
	15th December 2004	2004/2033
	1st January 2005	2004/2033
	4th April 2005	2005/950
	15th July 2005	2005/1817
	24th July 2006	2006/1835
	1st January 2007	2006/3217
	8th January 2007	2006/3422
	1st October 2007	2007/2874
Schedule 37 (partially)	18th June 2012	2012/1320
	20th January 2004	2004/81
	29th January 2004	2004/81
	27th February 2004	2004/81
	5th April 2004	2004/829
	15th December 2004	2004/3033
	4th April 2005	2005/950
	15th July 2005	2005/1817
	6th April 2006	2006/751
	18th June 2012	2012/1320
Schedule 38	5th November 2012	2012/2574
	27th February 2004	2004/81

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	4th April 2005	<a href="#">2005/950</a>