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STATUTORY INSTRUMENTS

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**2015 No. 778 (C. 44)**

**CRIMINAL LAW  
CRIMINAL PROCEDURE,  
ENGLAND AND WALES  
CIVIL PROCEEDINGS, ENGLAND AND WALES  
PRISONS, ENGLAND AND WALES  
LEGAL SERVICES, ENGLAND AND WALES  
JURIES, ENGLAND AND WALES  
CORONERS, ENGLAND AND WALES  
DEFENCE  
SUPREME COURT OF THE UNITED KINGDOM  
SENIOR COURTS OF ENGLAND AND WALES  
MAGISTRATES' COURTS,  
ENGLAND AND WALES  
YOUTH COURTS AND OFFENDERS,  
ENGLAND AND WALES**

The Criminal Justice and Courts Act 2015 (Commencement  
No. 1, Saving and Transitional Provisions) Order 2015

*Made* - - - -

*19th March 2015*

The Secretary of State makes the following Order in exercise of the powers conferred by section 95(1) and (6) of the Criminal Justice and Courts Act 2015<sup>(1)</sup>:

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<sup>(1)</sup> 2015 c. 2.

### **Citation and interpretation**

1.—(1) This Order may be cited as the Criminal Justice and Courts Act 2015 (Commencement No. 1, Saving and Transitional Provisions) Order 2015.

(2) In this Order “the Act” means the Criminal Justice and Courts Act 2015.

### **Provisions coming into force on 20th March 2015**

2.—(1) The following provisions of the Act come into force on 20th March 2015—

- (a) section 38 (secure colleges and other places for detention of young offenders etc), except as provided by paragraph (2);
- (b) section 39 (contracting out secure colleges);
- (c) Schedule 9 (secure colleges etc: further amendments); and
- (d) Schedule 10 (contracting out secure colleges).

(2) Paragraph (1)(a) does not have effect to bring into force the power to which section 95(9) of the Act applies.

### **Provisions coming into force on 13th April 2015**

3. Subject to Schedule 2, the provisions of the Act specified in Schedule 1 come into force on 13th April 2015.

### **Saving and Transitional Provisions**

4. Schedule 2 contains saving and transitional provisions.

19th March 2015

*Shailesh Vara*  
Parliamentary Under Secretary of State  
Ministry of Justice

## SCHEDULE 1

Article 3

### Provisions of the Act coming into force on 13th April 2015

1. Section 1 (maximum sentence for certain offences to be life imprisonment).
2. Section 2 (specified offences).
3. Section 3 (Schedule 15B offences).
4. Section 4 (Parole Board release when serving extended sentences).
5. Section 5 (minor amendments).
6. Section 6 (sentence and Parole Board release for offenders of particular concern).
7. Section 7 (electronic monitoring following release on licence etc).
8. Section 12 (offence of remaining unlawfully at large after recall).
9. Section 13 (offence of remaining unlawfully at large after temporary release).
10. Section 14 (definition of “requisite custodial period”).
11. Section 15 (minor amendments and transitional cases).
12. Section 16 (drugs for which prisoners etc may be tested).
13. Section 17 (restrictions on use of cautions).
14. Section 18 (restrictions on use of cautions: supplementary).
15. Section 19 (alternatives to prosecution: rehabilitation of offenders in Scotland).
16. Section 20 (ill-treatment or wilful neglect: care worker offence).
17. Section 21 (ill-treatment or wilful neglect: care provider offence).
18. Section 22 (care provider offence: excluded care providers).
19. Section 23 (care provider offence: penalties).
20. Section 24 (care provider offence: application to unincorporated associations).
21. Section 25 (care provider offence: liability for ancillary and other offences).
22. Section 26 (corrupt or other improper exercise of police powers and privileges).
23. Section 27 (term of imprisonment for murder of police or prison officer).
24. Section 29 (offences committed by disqualified drivers).
25. Section 30 (extension of disqualification from driving where custodial sentence also imposed).
26. Section 32 (sending letters etc with intent to cause distress or anxiety).
27. Section 33 (disclosing private sexual photographs and films with intent to cause distress).
28. Section 34 (meaning of “disclose” and “photograph or film”).
29. Section 35 (meaning of “private” and “sexual”).
30. Section 36 (meeting a child following sexual grooming etc).
31. Section 37 (possession of pornographic images of rape and assault by penetration).
32. Section 40 (powers of Youth Justice Board in relation to provision of accommodation).

33. Section 41 (youth cautions and condition cautions: involvement of appropriate adults).
34. Section 43 (referral orders: alternatives to revocation for breach of youth offender contract).
35. Section 44 (referral orders: extension on further conviction).
36. Section 45 (referral orders: revocation on further conviction).
37. Section 46 (instituting proceedings by written charge).
38. Section 47 (instituting proceedings: further provision).
39. Section 48 (trial by single justice on the papers).
40. Section 49 (trial by single justice on the papers: sentencing etc).
41. Section 50 (further amendments).
42. Section 51 (offence of improper use of public electronic communications network).
43. Section 53 (committal of young offenders convicted of certain offences).
44. Section 54 (criminal courts charge).
45. Section 55 (duty to review criminal courts charge).
46. Section 56 (variation of collection orders etc).
47. Section 57 (personal injury claims: cases of fundamental dishonesty).
48. Section 58 (rules against inducements to make personal injury claims).
49. Section 59 (effect of rules against inducements).
50. Section 60 (inducements: interpretation).
51. Section 61 (inducements: regulations).
52. Section 63 (appeals from the High Court to the Supreme Court).
53. Section 67 (wasted costs in certain civil proceedings).
54. Section 69 (jurors and electronic communications devices).
55. Section 70 (jurors and electronic communications devices: powers of search etc).
56. Section 71 (research by jurors).
57. Section 72 (sharing research with other jurors).
58. Section 73 (jurors engaging in other prohibited conduct).
59. Section 74 (disclosing jury's deliberations).
60. Section 75 (juries at inquests).
61. Section 76 (members of the Court Martial).
62. Section 77 (supplementary provision).
63. Section 78 (lifetime reporting restrictions in criminal proceedings for witnesses and victims under 18).
64. Section 79 (reporting restrictions in proceedings other than criminal proceedings).
65. Section 80 (reporting restrictions: information society services).
66. Section 81 (representations to Parliament by the President of the Supreme Court).
67. Section 82 (the supplementary panel of the Supreme Court).

68. Section 83 (minor amendments).
69. Section 84(1) to (3) (likelihood of substantially different outcome for applicant).
70. Section 87 (interveners and costs).
71. Section 92 (periods of time for certain legal challenges).
72. Schedule 1 (sentence and Parole Board release for offenders of particular concern).
73. Schedule 2 (electronic monitoring and licences etc: consequential provision).
74. Schedule 4 (ill-treatment or wilful neglect: excluded health care).
75. Schedule 6 (offences committed by disqualified drivers: further amendments).
76. Schedule 8 (disclosing private sexual photographs or films: providers of information society services).
77. Schedule 11 (trial by single justice on the papers: further amendments).
78. Schedule 12 (further provision about criminal courts charge).
79. Schedule 13 (juries at inquests).
80. Schedule 14 (members of the Court Martial).
81. Schedule 15 (reporting restrictions: providers of information society services).

## SCHEDULE 2

Article 4

### Saving and Transitional Provisions

1. The amendments made by section 37 of the Act do not apply to possession of an image which occurs before 13th April 2015.
2. The amendments made by section 63 of the Act do not apply where the judgment or order in respect of which the trial judge grants a certificate under section 12 of the Administration of Justice Act 1969(2) is given or made before 13th April 2015.
3. No offence is committed—
  - (a) under section 20A, section 20B or section 20C of the Juries Act 1974(3) (as inserted by sections 71 to 73 of the Act), unless the member of the jury concerned has been sworn to try the issue in the case on or after 13th April 2015;
  - (b) under paragraph 5A, paragraph 5B or paragraph 5C of Schedule 6 to the Coroners and Justice Act 2009(4) (as inserted by paragraph 5 of Schedule 13 to the Act), unless the member of the jury concerned has been sworn to inquire into the case on or after 13th April 2015; and
  - (c) under paragraph 2, paragraph 3 or paragraph 4 of Schedule 2A to the Armed Forces Act 2006(5) (as inserted by paragraph 3 of Schedule 14 to the Act) unless the lay member of the Court Martial concerned has been sworn to try the case on or after 13th April 2015.
4. The commencement of—

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(2) 1969 c. 58. Section 12 was amended by the Constitutional Reform Act 2005 (c. 4) Schedule 9, paragraph 20; the Supreme Court Act 1981 (c. 54) Schedule 7; the Courts Act 1971 (c. 23) Schedule 11, Part 4; and the Judicature (Northern Ireland) Act 1978 (c. 23) Schedule 7, Part 1.

(3) 1974 c. 23.

(4) 2009 c. 25.

(5) 2006 c. 52.

- (a) section 74 of the Act has no effect in relation to anything done during the trial period (as defined in section 20A(5) of the Juries Act 1974(6)) by a member of a jury trying an issue in a case, where that person is sworn to try the issue before 13th April 2015;
- (b) paragraph 6 of Schedule 13 to the Act has no effect in relation to anything done during the inquest period (as defined in paragraph 5A(5) of Schedule 6 to the Coroners and Justice Act 2009(7)) by a member of a jury inquiring into an issue in a case, where that person is sworn to inquire into the issue before 13th April 2015; and
- (c) paragraph 3 of Schedule 14 to the Act, insofar as it inserts paragraphs 5 to 8 of Schedule 2A to the Armed Forces Act 2006, has no effect in relation to anything done during the trial period (as defined in paragraph 1(3) of Schedule 2A to the Armed Forces Act 2006(8)) by a lay member of the Court Martial trying a case where that person is sworn to try the case before 13th April 2015.

5. The amendments made by sections 79 and 80(a) of, and paragraph 1 of Schedule 15 to, the Act do not apply to the inclusion of matter in a publication before 13th April 2015.

6. The amendments made by sections 84(1) to (3) and 87 of the Act do not apply to an application for judicial review where the claim form was filed before 13th April 2015.

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## EXPLANATORY NOTE

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

This Order is the first commencement Order made under the Criminal Justice and Courts Act 2015 (c. 2) (“the Act”).

Article 2 brings into force the provisions of the Act relating to secure colleges on 20th March 2015. Article 2(1) makes provision about the commencement of section 38 of the Act, relating to secure colleges and other places for the detention of young offenders. Section 38(1) substitutes section 43 of the Prison Act 1952 (c. 52) (15 and 16 Geo. 6 and 1 Eliz. 2). As substituted, that section gives the Secretary of State power to provide young offender institutions, secure training centres and secure colleges. However, the effect of Article 2(2) is that the power in new section 43 of the Prison Act 1952 is only commenced insofar as it permits the Secretary of State to provide secure colleges for persons who are male and aged 15 or over.

Article 3 brings into force the provisions of the Act listed in Schedule 1 to the Order on 13th April 2015.

Article 4 and Schedule 2 to the Order make saving and transitional provisions.

Paragraph 1 of Schedule 2 clarifies that the amendments made by section 37 of the Act relating to the offence of possession of pornographic images of rape and assault by penetration do not apply to existing cases where possession of an image occurs before 13th April 2015.

Paragraph 2 of Schedule 2 provides that the amendments made by section 63 of the Act concerning appeals from the High Court to the Supreme Court do not apply where the relevant judgment or order was given or made before 13th April 2015.

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(6) Section 20A is inserted by section 71 of the Act.

(7) Paragraph 5A is inserted by paragraph 5 of Schedule 13 to the Act.

(8) Schedule 2A is inserted by paragraph 3 of Schedule 14 to the Act.

Paragraph 3 of Schedule 2 provides that the amendments in sections 71 to 73 of, and Schedule 13 and Schedule 14 to, the Act which concern offences relating to research and other prohibited conduct committed in the course of criminal, inquest and Court Martial proceedings, do not apply to jurors and lay members of Courts Martial who have been sworn before 13th April 2015 in relation to the case.

Paragraph 4 of Schedule 2 provides that the amendments made by section 74 of, and Schedule 13 and Schedule 14 to, the Act which concern the offence of disclosing juror deliberations committed in the course of criminal, inquest and Courts Martial proceedings, cannot be committed during the relevant trial or inquest period by a juror or lay member if they were sworn before 13th April 2015; the offence can however be committed by others from 13th April 2015.

Paragraph 5 of Schedule 2 clarifies that the amendments made by section 79 of, and Schedule 15 to, the Act in relation to section 39 of the Children and Young Persons Act 1933 (c. 12) (reporting restrictions) do not apply to information published before 13th April 2015.

Paragraph 8 of Schedule 2 provides that the amendments relating to judicial review in sections 84(1) to (3) and 87 of the Act only apply where proceedings are commenced on or after 13th April 2015.