

**2008 No. 2993 (C. 128)**

**CRIMINAL LAW, ENGLAND AND WALES**

**CRIMINAL LAW, NORTHERN IRELAND**

**ANTI-SOCIAL BEHAVIOUR, ENGLAND AND WALES**

**POLICE, ENGLAND AND WALES**

**The Criminal Justice and Immigration Act 2008  
(Commencement No. 4 and Saving Provision) Order 2008**

*Made* - - - -

*15th November 2008*

The Secretary of State, in exercise of the powers conferred on the Secretary of State by section 153(7) of the Criminal Justice and Immigration Act 2008 (a), makes the following Order:

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Criminal Justice and Immigration Act 2008 (Commencement No. 4 and Saving Provision) Order 2008.

(2) In this Order, “the 2008 Act” means the Criminal Justice and Immigration Act 2008.

**Appointed dates**

**2.**—(1) Subject to article 3, the date appointed for the coming into force of the following provisions of the 2008 Act is 1<sup>st</sup> December 2008—

- (a) section 61 (Compensation for miscarriages of justice);
- (b) section 118 (Closure orders: premises associated with persistent disorder or nuisance);
- (c) section 126(1) and (3) (Police misconduct and performance procedures) insofar as it relates to the entries specified in sub-paragraph (h);
- (d) section 127 (Investigation of complaints of police misconduct etc.) insofar as it relates to the provisions specified in sub-paragraph (i);
- (e) section 148(2) (Consequential etc. amendments and transitional and saving provisions) insofar as it relates to the provisions in sub-paragraph (j);
- (f) section 149 (Repeals and revocations) insofar as it relates to the entries in sub-paragraph (k);
- (g) Schedule 20 (Closure orders: premises associated with persistent disorder or nuisance);

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(a) 2008 c.4.

- (h) in Schedule 22 (Police misconduct and performance procedures)—
  - (i) paragraphs 3, 4, 7 and 8 to the extent not already in force; and
  - (ii) paragraphs 5, 9, 11 and 17 to 21;
- (i) in Schedule 23 (Investigation of complaints of police misconduct etc.)—
  - (i) paragraphs 4, 6 to 11 and 13 to 18; and
  - (ii) paragraphs 5, 12 and 19 to the extent not already in force;
- (j) paragraphs 22 and 35(1), (2)(a) and (3) of Schedule 27 (Transitory, transitional and saving provisions); and
- (k) in Schedule 28 (Repeals and revocations), the entries related to—
  - (i) section 50(4) of, and paragraph 6 of Schedule 6 to, the Police Act 1996(a);
  - (ii) Schedule 3 to the Police Reform Act 2002(b); and
  - (iii) paragraph 119 of Schedule 21 to the Legal Services Act 2007(c).

(2) The date appointed for the coming into force of the following provisions of the 2008 Act is 26<sup>th</sup> January 2009—

- (a) section 63 (Possession of extreme pornographic images);
- (b) section 64 (Exclusion of classified films etc.);
- (c) section 65 (Defences: general);
- (d) section 66 (Defence: participation in consensual acts);
- (e) section 67 (Penalties etc. for possession of extreme pornographic images);
- (f) section 68 (Special rules relating to providers of information society services);
- (g) section 71 (Maximum penalty for publication etc. of obscene articles);
- (h) section 148(1) and (2) (Consequential etc. amendments and transitional and saving provision) insofar as it relates to the provisions specified in paragraphs (j) and (k);
- (i) Schedule 14 (Special rules relating to providers of information society services);
- (j) paragraph 58 of Schedule 26 (Minor and consequential amendments); and
- (k) paragraphs 23 and 25 of Schedule 27 (Transitory, transitional and saving provision).

### **Saving provision**

**3.—**(1) The Police Act 1996 and the Police Reform Act 2002 shall continue to apply in relation to specified matters as if the amendments in paragraphs 3 to 5, 7 to 9 and 11 of Schedule 22 and in paragraphs 4 to 10, 12 to 15 and 17 to 19 of Schedule 23 to the 2008 Act had not been made.

(2) In this article—

- (a) “specified matter” means—
  - (i) conduct which may be or is being dealt with under the Police (Conduct) Regulations 2004(d);
  - (ii) conduct which may be or is being dealt with under the Police (Complaints and Misconduct) Regulations 2004(e) as they are in force on the date this Order is made and which has come to the attention of the Independent Police Complaints Commission and the appropriate authority before 1st December 2008;
  - (iii) performance or attendance which may be or is being dealt with under the Police (Efficiency) Regulations 1999(f); or

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(a) 1996 c. 16.

(b) 2002 c. 30.

(c) 2007 c. 29.

(d) S.I. 2004/645, as amended by S.I. 2006/594.

(e) S.I. 2004/643, as amended by S.I.s 2005/3311, 2005/3389, 2006/594 and 2006/1406.

(f) S.I. 1999/732, as amended by S.I.s. 2003/528 and 2003/2600.

- (iv) anything which may be or is being dealt with under the Police Appeals Tribunals Rules 1999<sup>(a)</sup>;
- (b) “appropriate authority” has the same meaning as in the Police (Complaints and Misconduct) Regulations 2004.

15th November 2008

*Maria Eagle*  
Parliamentary Under-Secretary of State  
Ministry of Justice

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<sup>(a)</sup> S.I. 1999/818, as amended by S.I. 2003/2597 and 2006/594.

## EXPLANATORY NOTE

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

This Order brings into force the provisions of the Criminal Justice and Immigration Act 2008 (c.4) set out at article 2(1) and (2) on 1<sup>st</sup> December 2008 and 26<sup>th</sup> January 2009 respectively. Article 3 contains saving provisions in relation to the amendments to the police misconduct and performance procedures and the investigation of complaints of police misconduct etc.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Criminal Justice and Immigration Act 2008 have been brought into force by a commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 10	14 July 2008	2008/1586
Section 11 (partially)	14 July 2008	2008/1586
Section 12	14 July 2008	2008/1586
Section 13	14 July 2008	2008/1586
Section 14	14 July 2008	2008/1586
Section 15	14 July 2008	2008/1586
Section 16	14 July 2008	2008/1586
Section 17	14 July 2008	2008/1586
Section 18	14 July 2008	2008/1586
Section 20	14 July 2008	2008/1586
Section 21 (partially)	3 November 2008	2008/2712
Section 22	3 November 2008	2008/2712
Section 23	3 November 2008	2008/2712
Section 24	14 July 2008	2008/1586
Section 25	14 July 2008	2008/1586
Section 26 (partially)	9 June 2008	2008/1466
Section 27	14 July 2008	2008/1586
Section 28	14 July 2008	2008/1586
Section 29 (partially)	14 July 2008	2008/1586
Section 30	14 July 2008	2008/1586
Section 31	14 July 2008	2008/1586
Section 32	14 July 2008	2008/1586
Section 33 (partially)	3 November 2008	2008/2712
Section 34 (partially)	3 November 2008	2008/2712
Section 38	14 July 2008	2008/1586
Section 40	14 July 2008	2008/1586
Section 41	3 November 2008	2008/2712
Section 42	14 July 2008	2008/1586
Section 43	14 July 2008	2008/1586
Section 44	14 July 2008	2008/1586
Section 45	14 July 2008	2008/1586
Section 46 (partially)	14 July 2008	2008/1586
Section 47	14 July 2008	2008/1586
Section 51	3 November 2008	2008/2712
Section 52	14 July 2008	2008/1586
Section 54	14 July 2008	2008/1586
Section 55	14 July 2008	2008/1586

Section 56	14 July 2008	2008/1586
Section 57	14 July 2008	2008/1586
Section 58	14 July 2008	2008/1586
Section 59	14 July 2008	2008/1586
Section 60	3 November 2008	2008/2712
Section 72	14 July 2008	2008/1586
Section 73	14 July 2008	2008/1586
Section 76	14 July 2008	2008/1586
Section 93	14 July 2008	2008/1586
Section 94	14 July 2008	2008/1586
Section 95	14 July 2008	2008/1586
Section 96	14 July 2008	2008/1586
Section 97	14 July 2008	2008/1586
Section 126 (partially)	14 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
Section 127 (partially)	3 November 2008	2008/2712
Section 129	3 November 2008	2008/2712
Section 140	14 July 2008	2008/1586
Section 141	14 July 2008	2008/1586
Section 142	14 July 2008	2008/1586
Section 148 (partially)	9 June 2008	2008/1466
(partially)	14 July 2008	2008/1586
(partially)	15 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
Section 149 (partially)	14 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
Schedule 5	14 July 2008	2008/1586
Schedule 6	3 November 2008	2008/2712
Schedule 8	14 July 2008	2008/1586
Schedule 11	3 November 2008	2008/2712
Schedule 12	14 July 2008	2008/1586
Schedule 15	14 July 2008	2008/1586
Schedule 22 (partially)	14 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
Schedule 23 (partially)	3 November 2008	2008/2712
Schedule 24	14 July 2008	2008/1586
Schedule 26 (partially)	9 June 2008	2008/1466
(partially)	14 July 2008	2008/1586
(partially)	15 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
Schedule 27 (partially)	9 June 2008	2008/1586
(partially)	14 July 2008	2008/1586
Schedule 28 (partially)	14 July 2008	2008/1586
(partially)	3 November 2008	2008/2712

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