

2012 No. 2374 (C. 92)

CORONERS, ENGLAND AND WALES

CRIMINAL PROCEDURE, ENGLAND AND WALES

DEFENCE

**The Coroners and Justice Act 2009 (Commencement No. 10)
Order 2012**

Made - - - - *13th September 2012*

The Lord Chancellor and Secretary of State makes this Order in exercise of the powers conferred by the Coroners and Justice Act 2009(a), on the Lord Chancellor, by section 182(4) and, on the Secretary of State, by sections 176(3) and 182(5) of that Act.

Citation and interpretation

1.—(1) This Order may be cited as the Coroners and Justice Act 2009 (Commencement No. 10) Order 2012.

(2) In this Order, “the 2009 Act” means the Coroners and Justice Act 2009.

Appointed days

2. The following provisions of the 2009 Act shall come into force on 24th September 2012—

- (a) section 12 (death of service personnel abroad, investigation in Scotland); and
- (b) section 50 (amendments to the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976(b)).

3. The following provisions of the 2009 Act shall come into force on 8th October 2012, so far as they are not already in force—

- (a) section 106 (directions to attend through live link);
- (b) section 107 (answering to live link bail);
- (c) section 108 (searches of persons answering to live link bail);
- (d) section 178 (repeals), so far as it relates to the provisions specified in sub-paragraph (e); and
- (e) in Schedule 23 (repeals), Part 3 (criminal evidence and procedure).

Signed by the authority of the Lord Chancellor and Secretary of State

(a) 2009 c. 25.
(b) 1976 c. 14.

13th September 2012

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Coroners and Justice Act 2009 (c. 25) (“the 2009 Act”). Article 2 brings sections 12 and 50 of the 2009 Act into force on 24th September 2012. Article 3 brings the provisions it specifies into force on 8th October 2012, to the extent that they are not already in force.

Section 12 of the 2009 Act allows the Secretary of State or Chief Coroner to notify the Lord Advocate that it may be appropriate for a military service-related death which occurred outside the United Kingdom to be investigated under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c. 14) (“the 1976 Act”). Section 50 of the 2009 Act amends the 1976 Act in order to permit such deaths to be investigated as an inquiry.

Section 106(3) of the 2009 Act, which this Order brings fully into force, amends section 57C of the Crime and Disorder Act 1998 (c. 37), which enables the use of a live video link at a preliminary hearing in a magistrates’ court where the accused is in police detention at a police station. The amendment replaces provision requiring the court to obtain the accused’s consent before giving a live link direction with a new requirement that a live link direction may not be given unless the court is satisfied that it is not contrary to the interests of justice to give such a direction. Section 107 of the 2009 Act makes consequential amendments to sections 46ZA and 46A of the Police and Criminal Evidence Act 1984 (c. 60) (“the 1984 Act”) which make provision relating to live link bail.

Section 108 of the 2009 Act inserts new sections 54B and 54C of the 1984 Act, and paragraph 27A of Schedule 4 to the Police Reform Act 2002 (c. 30), to allow persons answering to live link bail at a police station to be searched.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Coroners and Justice Act 2009 (c. 25) have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 35	01.02.2010	2010/145
Section 52	04.10.2010	2010/816
Section 53	01.06.2011	2011/182 (N.I.)
Section 54 to 55 (partially)	04.10.2010	2010/816
(fully in force)	01.06.2011	2011/182 (N.I.)
Section 56 (partially)	04.10.2010	2010/816
	01.06.2011	2011/182 (N.I.)
Section 57	04.10.2010	2010/816
Section 58	01.06.2011	2011/182 (N.I.)
Sections 59 to 61	01.02.2010	2010/145
Sections 62 to 71	06.04.2010	2010/816
Section 72	01.02.2010	2010/145
Section 74 (partially)	06.04.2010	2010/816
(fully in force)	18.04.2011	2011/182 (N.I.)
Section 75 (partially)	06.04.2010	2010/816

	18.04.2011	2011/182 (N.I.)
	02.05.2011	2011/1122
Section 76 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
Section 77 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
	02.05.2011	2011/1122
Section 78 (partially)	06.04.2010	2010/816
(fully in force)	18.04.2011	2011/182 (N.I.)
Section 79 to 80 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
Section 81 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
	02.05.2011	2011/1122
Section 82 (partially)	06.04.2010	2010/816
(fully in force)	18.04.2011	2011/182 (N.I.)
Section 83 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
Section 84	06.04.2010	2010/816
Section 85 (partially)	06.04.2010	2010/816
(fully in force)	18.04.2011	2011/182 (N.I.)
Sections 98 to 103	27.06.2011	2011/1452
Section 105	27.06.2011	2011/1452
Section 106 (partially)	14.12.2009	2009/3253
	03.10.2011	2011/2148
Section 107 (partially)	14.12.2009	2009/3253
	03.10.2011	2011/2148
Section 108 (partially)	14.12.2009	2009/3253
	03.10.2011	2011/2148
Section 109 to 110	14.12.2009	2009/3253
Section 111	27.06.2011	2011/1452
Section 112	01.02.2010	2010/145
Section 113	06.04.2010	2010/816
Section 114 to 115	01.02.2010	2010/145
Section 117 (partially)	04.07.2012	2012/1810
Section 118 (partially)	01.02.2010	2010/145
(fully in force)	06.04.2010	2010/816
Section 119 to 136	06.04.2010	2010/816
Section 139	12.01.2010	2010/28
Sections 140 to 141	01.02.2010	2010/145
Section 142	31.01.2010	2010/145
Section 144 (partially)	15.08.2010	2010/1858
	18.04.2011	2011/182 (N.I.)
Section 145	02.08.2010	2010/1858
Section 146 to 147	06.04.2010	2010/816
Section 149 to 150	01.02.2010	2010/145
Section 153	01.02.2010	2010/145
Section 155 to 172	06.04.2010	2010/816
Section 173 (partially)	01.02.2010	2010/145
(fully in force)	06.04.2010	2010/816
Section 174	01.02.2010	2010/145
Section 175 (partially)	01.02.2010	2010/145
	06.04.2010	2010/816

Section 177 (partially)	12.01.2010	2010/28	
	01.02.2010	2010/145	
	06.04.2010	2010/816	
	04.10.2010	2010/816	
	02.08.2010	2010/1858	
	15.08.2010	2010/1858	
	18.04.2011	2011/182 (N.I.)	
Section 178 (partially)	27.06.2011	2011/1452	
	31.01.2010	2010/145	
	01.02.2010	2010/145	
	06.04.2010	2010/816	
	04.10.2010	2010/816	
	15.08.2010	2010/1858	
	01.06.2011	2011/182 (N.I.)	
Section 180	27.06.2011	2011/1452	
	03.10.2011	2011/2148	
	01.02.2010	2010/145	
	Schedule 8	01.02.2010	2010/145
	Schedule 12	01.02.2010	2010/145
	Schedule 13	06.04.2010	2010/816
	Schedule 14	27.06.2011	2011/1452
	Schedule 15 (partially)	01.02.2010	2010/145
	(fully in force)	06.04.2010	2010/816
	Schedule 17 (partially)	15.08.2010	2010/1858
Schedule 19	18.04.2011	2011/182 (N.I.)	
	06.04.2010	2010/816	
Schedule 20 (partially)	01.02.2010	2010/145	
	06.04.2010	2010/816	
Schedule 21 (partially)	01.02.2010	2010/145	
	06.04.2010	2010/816	
	04.10.2010	2010/816	
	27.06.2011	2011/1452	
Schedule 22 (partially)	12.01.2010	2010/28	
	01.02.2010	2010/145	
	06.04.2010	2010/816	
	02.08.2010	2010/1858	
	15.08.2010	2010/1858	
	18.04.2011	2011/182 (N.I.)	
	27.06.2011	2011/1452	
Schedule 23 (partially)	31.01.2010	2010/145	
	01.02.2010	2010/145	
	06.04.2010	2010/816	
	04.10.2010	2010/816	
	02.08.2010	2010/1858	
	15.08.2010	2010/1858	
	01.06.2011	2011/182 (N.I.)	
	27.06.2011	2011/1452	
	03.10.2011	2011/2148	

STATUTORY INSTRUMENTS

2012 No. 2374 (C. 92)

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