



## Members of Chambers

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Greg Williams  
Andrea Vasili

# Crime Case Law and Criminal Justice Policy Update

June 2009

## Introduction

Welcome to the fifth of our criminal updates which we hope that you will find informative. Please feel free to forward it to colleagues and if they wish to be added to our mailing list they just need to send an email to [clerks@4kbw.co.uk](mailto:clerks@4kbw.co.uk).

Our next edition will be circulated in **September 2009**

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## CHAMBERS NEWS

### 4 KBW amalgamates with 2 Gray's Inn Square.

We are delighted to announce that Peter Leighton (1966), Keith Knight (1969), John Parker (1975), Alice Deschampsneufs(1976), Peter Fortune (1978), Christopher McConnell (1979), Robert Purdie (1979), Surinder Bhakar (1986), Suzanne Palmer (1995), Piers Martin (1997), Robert Salis (1999), Chris Bryden (2003) , Tom Bailey (2005) and Greg Williams (2006) all formerly of 2 Gray's Inn Square have joined chambers following the amalgamation in April 09.

### Appointment of His Honour Judge John Denniss



Chambers is delighted to announce the appointment to the Circuit Bench of John Denniss. Chambers wishes to express their thanks to John for his contribution to the running and progression of chambers over the past years.

HHJ Denniss will be sitting at Isleworth Crown Court from 5th June 2009.



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## Member Profile

### Peter Fortune



#### Areas of Practice

Crime and Actions against the Police, General Common Law including Employment, Personal Injury, Contract & Tort.

Formerly a Deputy Chief Clerk in the Inner London Magistrates' Court Service and a Senior Crown Prosecutor, after returning to private practice in 1990, he has regularly appeared in the Crown and County Courts as well as in the High Court and Employment Tribunals.

#### Education & Qualifications

BA (Hons) English & History  
MA (Business Law)

#### Professional Memberships

Criminal Bar Association  
Personal Injury Bar Association  
Employment Lawyers Association

#### Interests

Golf, France, wine & reading.

[www.4kbw.co.uk/members/peter-fortune-1978.asp](http://www.4kbw.co.uk/members/peter-fortune-1978.asp)



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## General Case Law Update

### **R v Mitchell [2008] EWCA Crim 2552**

A case concerning the issues of joint responsibility and participation in an offence, during which the Court of Appeal made specific remarks regarding the complexity of the current law and jury directions in this area.

### **R v Boulter [2008] EWCA Crim 2375**

The argument that counterfeit goods were of such poor quality that no one would think that their trade origins were those of the trade mark owners, and therefore no offence had been committed under the Trade Marks Act 1994, was rejected by the Court of Appeal.

### **Re. Times Newspapers [2008] EWCA Crim 2396**

The Court of Appeal clarified when a court may have the power to order that the identity of a defendant be protected from publicity. In order for the court to be entitled to make any order for anonymity, it must be satisfied either 'that the administration of justice would be seriously affected' or that there is a 'real and immediate risk' to the life of the accused should anonymity not be granted.

### **R (Saunders) v Independent Police Complaints Commission [2008] EWHC 2372 (Admin)**

The court was not prepared to hold that a failure by the Independent Police Complaints Commission to issue directions to prevent any conferring or collaboration between police officers who had been involved in a fatal shooting incident, particularly in connection with production of the officer's initial accounts, was a breach of Article 2 of the ECHR. The court did however stress the real dangers of both collusion and innocent contamination inherent in collaboration.

### **R (on the applications of Fergus and Fagin) v Southampton Crown Court [2008] EWHC 3273**

Here a withdrawal of bail by a Crown Court Judge, who gave no reasons to justify his conclusion that there was a risk that the defendants would fail to attend future hearings, was held to be irrational upon Judicial Review. The defendants in question had been on conditional bail for 4 months prior to the PCMH at which their bail was revoked, had complied with the conditions of their bail and had surrendered to bail when required to do so, by both the police and the court. When one of the defendants was unable to attend a particular hearing due to hospitalisation, he provided evidence of that fact. Mr Justice Silber stated:

'First, it is not reasonable for a court to withdraw bail unless it is necessary to do so, especially as any decision to do so engages rights under Article 5 (ECHR). Second, any such reason justifying the decision to withdraw bail must be stated by the decision maker explaining why bail should be withdrawn and that reason must relate to the facts.'



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### **L v DPP [2009] EWHC 238 (Admin)**

In this case the court emphasised the need for defence advocates to fully put forward the defence case at trial and to call all relevant witnesses. The continuity point upon which submissions were made, in light of the prosecution evidence being unchallenged by defence, merely gave rise to 'fanciful alternative explanations' said the court 'which could safely be discounted as there was no evidential foundation for them'.

### **R v Woodhouse [9<sup>th</sup> Feb 2009]**

On a charge of sexual activity with a child, bad character evidence of a previous caution for exposure received 10 years earlier was admissible due to the similarities between the incidents. The fact that the complaint from the earlier incident gave evidence during the later proceedings did not render the proceedings unfair.

### **R v Sheriff [2008] EWCA Crim 2653**

An oral offer to provide accommodation to an offender could be sufficient to amount to assisting such a person.

### **DPP v Wright; R (Scott & others) v Taunton Dean Magistrates' Court [4<sup>th</sup> February 2009]**

The combined effect of s.101 Magistrates' Court Act 1980 and the provisions of the Hunting Act 2004 do not place a legal burden on the defendant to prove the exemptions set out in Schedule 1 to the Hunting Act 2004 but do place an evidential burden upon him/her.

### **B, R (on the application of) v DPP [2009] EWHC 106 (admin)**

It was wrong in law, and a violation of Article 3 of the ECHR, for the CPS to decide not to prosecute a suspect on the basis that the victim suffered from a mental illness that might affect his recollection.

### **A, R v [2008] EWCA Crim 2908**

This Court of Appeal discussed what may amount to "new and compelling evidence" in an appeal context.

### **Shields, R (on the application of) v Secretary of State for Justice [2008] EWHC 3102 (Admin)**

Where an offender is convicted abroad and then moved to the UK to serve his sentence the Secretary of State did have power to pardon him.

### **Murray v R [2008] EWCA Crim 2787**

Where the complainant collapsed during the course of giving evidence and the defence were denied the opportunity to cross-examine, the Court of Appeal held that the trial was not automatically unfair. Indeed the Court commented that it may have even been to the advantage of the defence in this particular case.



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## Prison Law Update

### **Smith v Secretary of State & The Parole Board [2008] EWHC 2998 (Admin)**

An offender serving an IPP with a tariff of 15 months was due for an end of tariff review in November 2007. The parole board failed to fully prepare the parole dossier or carry out an assessment with the CALM programme. The board adjourned the hearing and directed that the relevant matters be dealt with by March 2008, however the directions were not complied with and the Board took no action. By October 2008 the directions had still not been met and an application for Judicial Review was issued. The Board argued that as it had no enforcement powers against the prison there was nothing it could have done. The court disagreed, stating that the Board has a duty to case manage hearings in accordance with Article 5 of the ECHR. In addition the failure of the prison to provide the offender with a place on the CALM programme was held to be unlawful.

### **R v Parole Board [2008] EWHC 3127**

An application for judicial review that considers the issue of how the parole board should treat those who have been subject to an IPP. In particular, whether the correct test for determining the release of prisoners was applied in this particular case.

### **West Midlands Probation Board v French [2008] EWHC 2631 (Admin)**

It was held that where a prisoner had been released on licence, the licence or notice was hearsay, but nonetheless an admissible document.

### **R v (Headley) v Parole Board [12<sup>th</sup> Feb 2009]**

Although hearsay evidence is admissible in principle, whether the evidence is fundamental to the decision as to whether or not the offender posed a danger to the public, fairness requires that the offender be able to test it through cross-examination.

## Road Traffic Update

### **Morris v DPP [2008] EWHC 2788 (Admin)**

There was no abuse of process where a CCTV recording of a breath test procedure had been taped over in line with regular procedures, as the defence had not indicated in advance of trial that whether the defendant had received a warning in relation to his failing to provide a specimen would be a contested issue.

### **R (Taylor) v Southampton Magistrates' Court [2008] EWHC 3006 (Admin)**

A District Judge was correct to adjourn a case to enable the prosecution to gather evidence to prove service of a notice under s.172 Road Traffic Act as no defence case statement had been served raising the service of such a notice as an issue. This was so even though the defence had in fact notified the prosecution of the issue before trial.



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### Writtle v DPP [2009] EWHC 236 (Admin)

Where the issue of expert evidence was raised at a late stage by defence, the court was correct to refuse its admission.

### Lord-Castle v DPP [2009] EWHC 87 (Admin)

A case dealing with the regulations governing when a motor vehicle can be fitted with a siren, specifically when it can be said that a vehicle is being used for 'ambulance purposes'.

## Costs & Funding Update

### **R v Sturmer & other 7<sup>th</sup> January 2009**

One firm of solicitors represented 2 defendants in the Crown Court for a committal for sentence. They claimed 2 committal for sentence fees, however it was held that they were only entitled to one.

### **Lord Chancellor v John Rees QC & others [2008] EWHC 3168 (QB)**

"These appeals raise questions of very significant public importance in relation to the manner in which Determining Officers should assess criminal lawyers' fees on an *ex post facto* assessment and in particular whether and, if so, to what extent it is appropriate for reference to be made to the general market in criminal lawyers' fees as a cross-check that the fee proposed is not out of kilter with market forces... Although *ex post facto* assessment of basic fees was phased out pursuant to the Criminal Defence Service (Funding) Order 2007 as of 30 April 2007, there remains potentially up to £100,000,000 worth of *ex post facto* claims on behalf of counsel which remain to be determined".

## Sentencing Update

### **Attorney-General's Reference (No 124 of 2008) Regina v Doran**

Robberies that occur in the complainant's home, even in the absence of weapons/serious violence, particularly where they involve the targeting of the elderly, should attract sentences of 5-6 years after trial. The sentencing guidelines council's guidelines on robbery did not cover robberies which took place in a person's home and the council had not yet set guidelines for non-violent robberies which took place inside a person's home, although some regard must be had to the general level of sentence for robbery.





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### **R v D [2008] EWCA Crim 2795**

The opinion expressed in R v Odam [2008], to the effect that a community order with a single requirement of unpaid work to be completed within 12 months was not a community sentence of at least 12 months and therefore was not subject to the notification requirements of the Sexual Offences Act 2003, was wrong. The Court of Appeal held that in fact the period specified under s.177(5) of the CJA 2003 by the court when imposing a community order is the relevant period for the purposes of determining the duration of the order, however long it in fact takes the offender to carry out any requirements under it.

### **R v Stannard & Others [2008] EWCA Crim 2789**

The Court of Appeal heard a number of cases where a defendant fell to be sentenced for offences, some of which were committed before the enactment of the dangerousness provisions of the Criminal Justice Act 2003, on 4<sup>th</sup> April 2005. The Court stated that R v Lang [2005] was not an authority for the proposition that where the Defendant's pre 4<sup>th</sup> April 2005 offences were more serious than the post 4<sup>th</sup> April 2005 offences, the 2003 Act regime would not apply/could be disapplied.

### **Attorney-General's Ref. (No 55 of 2008) EWCA 2790**

The Court of Appeal here again reviewed the effect of the provisions of the Criminal Justice and Immigration Act 2008 in relation to IPP sentences:  
“(when exercising its judgment as to whether a sentence of imprisonment for public protection should be passed) the court is entitled to and should have in mind all the alternative and cumulative methods of providing the necessary public protection against the risk posed by the individual offender... Apart from the discretionary sentence of life imprisonment, imprisonment for public protection when the necessary conditions are fulfilled, is the most draconian sentence available to the court... If what we have described as the overall sentencing package provides appropriate protection, imprisonment for public protection should not be imposed”.

### **Sentencing Guidelines Council Definitive Guidelines on Theft & Non-Dwelling Burglary**

Published 9<sup>th</sup> December 2008.

### **R v Saw & others [2009] EWCA Crim 1**

The Court of Appeal undertook a thorough re-examination of the guidance given previously in R v McInerney & Keating, regarding sentencing for offences of domestic burglary, and substituted fresh guidance.



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### **R v Sheriff [2008] EWCA Crim 2653**

A bail curfew, unless it is for 24 hours, should not be taken into account when assessing time spent on remand to be offset against sentence.

### **R v Allen [2008] EWCA 2535**

The Court of Appeal emphasised in this case that the criteria of dangerous is not the same as the test for imposing a SOPO, and as such a SOPO could be imposed against an offender not deemed dangerous. However a SOPO can only contain terms 'necessary' to its purpose.

### **Sentencing Guidelines Council Definitive Guidelines on Breach of ASBOs**

Published 9<sup>th</sup> December 2008

### **R v Bolton Crown Court [2009] EWHC 240 (Admin)**

A young offender was made subject to a post conviction ASBO. Judicial review was issued on the basis that the ASBO was unnecessary as the Youth Court had also imposed a 2 year supervision order and a curfew and there was no reason to believe that he would not comply with it. Nothing had been said by the court, when giving reasons for the imposition of the ASBO, about the necessity of an ASBO in addition to the supervision order and the curfew. There were reasons in this particular case for believing that the defendant would respond positively to the supervision order and therefore the ASBO was not necessary.

### **Government Press Release regarding sentencing of Knife Crime**

Issued 5<sup>th</sup> January 2009.





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## Confiscation Update - Confiscation Cases 'Post May'

By Justine Davidge

The law of confiscation is currently at the cutting edge of legal development. Since the House of Lords passed judgment in the long awaited cases of *May, Jennings & Green* on 14<sup>th</sup> May 2008, there has been a flurry of cases appearing in the appellate courts concerning the application of confiscation law, under both the POCA and pre-POCA regimes. Whilst the courts continue to acknowledge Parliament's intention of creating a draconian statutory framework in this area, and the importance of asset forfeiture with regards to the deterrence and reduction of crime, the courts do not appear willing to interpret the statutory provisions any wider than they have already been interpreted. As was emphasised in *May & others*, the courts are emphasising that guidance should be sought from the "language of the statutory provision in question, in the context of the statute and in the light of any statutory definition" rather than "the proliferating case law".

A particularly litigious area at present concerns how an offender's 'benefit from criminal conduct' should be calculated .i.e. when an offender can be said to have obtained a pecuniary benefit or property from their criminal conduct. In particular the scope of Lord Bingham's observations at para 48(6) of *May* has been the subject of much debate:

"Mere couriers or custodians or other very minor contributors to an offence, rewarded by a specific fee and having no interest in the property or the proceeds of sale, are unlikely to be found to have obtained that property. It may be otherwise with money launderers".

Two key post May authorities on this point are the Court of Appeal decisions in *Sivaraman* and *Allpress & others*.

### R v Sivaramen [2008] EWCA Crim 1736

On 24<sup>th</sup> July 2008 LJ Toulson and Mr Justice Jack heard an appeal against a confiscation order made following the defendant's guilty plea to an offence of conspiring to contravene s.170(2) Customs 7 Excise Management Act (CEMA) 1979 .i.e. the defendant conspired fraudulently to evade excise duty in respect of fuel.

The conspiracy involved the purchase of 'red diesel', meant for agricultural vehicles and off road use, removal of the red dye therein and its onward sale as road vehicle diesel or DERV, which carries a significantly higher rate of excise duty. The defendant the manager of a petrol station owned by the main purchaser of the laundered fuel. He accepted that during his employment he took 8-10 deliveries of laundered diesel fuel, in full knowledge that the excise duty due to be paid on that fuel had not been paid. For his part in the conspiracy the defendant accepted that he had received payments totalling £15,000, while the duty evaded on the deliveries he accepted would have amounted to approximately £130,000.

In the Crown Court the prosecution submitted that the defendant's benefit gained from criminal conduct was the sum of £128,500, that being the pecuniary advantage obtained by the defendant from the evasion of duty. The judge reluctantly agreed and made a confiscation order against him with this figure as the 'benefit figure'. The defendant thereafter argued that in light of the House of Lords decision in *May* this approach was wrong and that his benefit should have been taken to be £15,000 only.



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The Court of Appeal fundamentally agreed with the appellant's assertions and upheld his appeal. In giving judgment Lord Justice Toulson stated that the Crown Court Judge had "misdirected himself in reaching a decision as to benefit which was contrary to his common sense view of the true benefit gained by the appellant as a matter of fact". Had the appellant been a joint purchaser and seller of the fuel the Court of Appeal said, then the situation would be different, but where he was acting simply as an employee whose only reward was a cash payment or enhanced wage, then he could not in law be taken to have profited to the same extent as his employer from the conspiracy. "Conspirators are criminally liable for the acts of their confederates done within the scope of their employment; but, when considering questions of confiscation the focus of the inquiry is on the benefit gained by the relevant defendant, whether individually or jointly". "The greater the involvement of a defendant in a conspiracy, the greater will be the appropriate level of punishment. But it does not follow that the greater the involvement, the greater the resulting benefit to that defendant".

### R v Allpress & others [2009] EWCA Crim 8

On 25<sup>th</sup> November 2008 a fully constituted Court of Appeal sat to hear 5 conjoined appeals, involving all 3 statutory confiscation regimes (POCA, CJA 1988 & DTA 1994), in which all of the individual defendants had been convicted of money laundering offences and were made subject to confiscation orders on the basis that their benefit from their criminal conduct included the value of the money they laundered, although they were not the eventual recipients of it, as well as any cash payments and expenses they had received from those who were.

The argument put forward by all of the appellants, broadly speaking, was that they had each in the individual circumstances of their cases, been 'mere couriers or custodians' of the money they laundered and had never obtained the property in question nor any benefit from it. Consequently the Respondents (RCPO for 3 of the cases, CPS for the remaining 2) argued that, bearing in mind Lord Bingham's observations in May, the nature of money laundering offences and the nature of money itself, it would be right in each of these cases to deem that the appellants obtained the money they laundered and had benefited from it for the purpose of confiscation.

Thereafter, in their judgment the Court of Appeal found that in fact there could be no difference between money launderers and other types of offenders who truly were 'mere couriers or custodians'. Neither could there be any different approach to couriers of sums of cash as opposed to other forms of property. Fundamentally, each of the 5 cases before the court were assessed on their facts, all appeals but one being upheld, that one being the case of Winter Morris which involved a solicitor who had laundered proceeds of crime through a client account thereby receiving funds over which he had legal ownership and practical control, unlike the other defendants who were all couriers/custodians of cash ultimately received by other people.

Further on the issue of benefit from criminal conduct, last summer's case of R v Islam [2008] EWCA Crim 1740, in which the Court of Appeal, seemingly reluctantly, upheld the existing line of authority that states that the value of illegal drugs obtained by a defendant cannot directly be taken into account when calculating his benefit from criminal conduct as they have no 'lawful market value', is currently the subject of an appeal by RCPO to the House of Lords.



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On a different note, an important ruling was made by the Court of Appeal in October 2008, with wide-ranging implications for all confiscation proceedings brought since 1<sup>st</sup> June 2001, subsequent to a conviction for an offence of dishonestly evading a liability for the payment of duty in respect of tobacco goods. In R v Chambers [2008] EWCA 2467 it became apparent that for some time both the courts and HM Revenue & Customs have applied the wrong regulations when deciding whether a defendant was in fact subject to such a liability in the first place. The new regulations, which came into force on 1<sup>st</sup> June 2001 had narrowed the circumstances under which such a liability could arise. The Court of Appeal also held that in such circumstances, where the Judge in the Crown Court had not been provided with the correct regulations and therefore had not sought to make, nor been invited to make, the necessary finding of fact in respect of whether a liability arose or not, it would be wrong for them to make such a finding at a later date and therefore the confiscation order should be quashed. "Defendants in such cases should be given notice in order that they could make late applications for leave to appeal".

And lastly, 2009 has also seen the final judgment of the European Court of Human Rights in the case of Bullen & Sonjei v UK, on 8<sup>th</sup> January. The European Court responded to the argument, that the length of time taken to resolve confiscation proceedings in this matter was a breach of Article 6, by holding that the question of whether the length of proceedings is reasonable is dependant on (1) the general circumstances, including the involvement of the member state appeal courts; (2) the complexity of the case as a whole; (3) the conduct of all parties.





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## Legislation & Policy Update

### Counter Terrorism Act 2008

Royal Assent given on 26<sup>th</sup> November 2008. The main parts of commencement are as follows:

Part 5 (terrorist financing and money laundering) and Part 6 (financial restrictions proceedings) come into force on the day after the day on which this Act is passed. Sections 85 to 90 (costs of policing at gas facilities) come into force at the end of the period of two months beginning with the day on which this Act is passed. Section 91 (appointment of special advocates in Northern Ireland) comes into force in accordance with subsection (3) of that section. The other provisions of this Act come into force on such day as may be appointed by order of the Secretary of State.

### Employment Act 2008

This Act contains provisions by which offences under the Employment Agencies Act 1973 will become triable either way and subject to potentially unlimited fines.

### Police & Justice Act 2006 (Commencement no.10) Order 2008 (SI 2008 No.2785)

As of 14<sup>th</sup> November 2008 the Order brought into force s.45 and s.46 of the Act (regarding live link) in 28 local justice areas in London and Kent. It also brings into effect various parts of schedule 14 of the Act.

### The Police (Conduct) Regulations 2008

These regulations came into force on 1<sup>st</sup> December 2008.

### The Crime (International Co-operation) Act 2003 (Commencement no.4) Order 2008 & The Mutual Recognition of Driving Disqualifications (GB & Ireland) Regulations 2008

The Order brings into force provisions of the Crime (International Co-operation) Act 2003 relating to the mutual recognition of driving disqualifications between the UK and Ireland. Meanwhile, the regulations are made under part 3 of the Crime (International Co-operation) Act 2003, which provides for mutual recognition of driving disqualifications between member states of the European Union.



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## The Criminal Justice & Immigration Act 2008 (Commencement no.4 & Saving Provision) Order 2008

The Order brings the following provisions of the Act on the following dates:  
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);
- (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(2);
- (ii) Schedule 3 to the Police Reform Act 2002(3); and
- (iii) paragraph 119 of Schedule 21 to the Legal Services Act 2007(4).

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).



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## The Road Safety Act 2006 (Commencement No.5) Order 2008

This Order brings into force sections 3, 4 – 9, 11 and 12 of the Road Safety Act 2006, together with Schedules 1, 2 and 4. It also commences section 59 (in part) together with part of Schedule 7. The Order's provisions effect the operation of fixed penalties, penalty points and the endorsement of licences. It also allows police and vehicle examiners to require the payment of a deposit by a person they believe to have committed an offence in relation to a motor vehicle who does not provide a satisfactory address in the United Kingdom at which it is likely the person can be found.

## S.119(4) Criminal Justice & Immigration Act 2008

This section came into force on 1<sup>st</sup> January 2009. A new offence is created of causing a nuisance or disturbance to NHS staff on NHS premises, the penalty is a level 3 fine.

New CPS Guidance for prosecuting offences of Rape and Domestic violence is expected in the near future.

