

Criminal Law News

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The Criminal Justice Act 2003 as at 2008

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The CJA 2003 is divided into 14 parts, 339 sections and 38 schedules. It is a complex statute introducing wide ranging reforms to court procedure. Many of the changes have already been introduced by way of amendment to previous legislation. Not all of its provisions are in force as implementation is still being carried out and many implementation dates have not yet been fixed.

The CJA 2003 is geared to obtaining the truth, convicting the offender as early as is possible and improving defence and prosecution by allowing the use of reported evidence ('hearsay') where there is a good reason, allowing for trial by judge alone on serious and complex fraud trials and some other complex and lengthy trials or where the jury is at risk of intimidation; and by extending the availability of preparatory hearings to ensure that serious cases such as drug trafficking can be properly prepared. The CJA 2003 also allows the court to be informed of a defendant's previous convictions where appropriate. The CJA 2003 has removed the double jeopardy rule for serious cases if compelling new evidence comes to light; gives witnesses greater access to their original statements at trial; and gives the prosecution the right of appeal against rulings which terminate the prosecution case before the jury decides.

Section 1 CJA 2003 inserts a new paragraph (e) in section 1(8) Police and Criminal Evidence Act (PACE) 1984. Police Officers can stop and search individuals where an officer reasonably suspects that articles intended for use in causing criminal damage are being carried. The powers of stop and search are extended to include offences under section 1 of the Criminal Damage Act 1971

Section 2 CJA 2003 inserts a new subsection (2A) in section 16 PACE. Civilians are now allowed to accompany Police Officers when executing a search warrant. An "authorised person" has the same powers as an Officer in respect of the execution of the warrant and the seizure of anything to which the warrant relates, provided he is in the company, and under the supervision, of a constable.

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