



Justice (Northern Ireland) Act 2002

2002 CHAPTER 26

PART 6

SUPPLEMENTARY

89 Transitionals and savings

- (1) The Secretary of State [^{F1}or the Department of Justice] may by order make any transitional provisions or savings which appear appropriate in connection with the coming into force of any provision of this Act.
- (2) The persons who, immediately before the date on which section 30 comes into force, hold the offices of Director of Public Prosecutions for Northern Ireland and Deputy Director of Public Prosecutions for Northern Ireland under the Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1)) shall be treated as if—
 - (a) they had been appointed to those offices under that section on that date, and
 - (b) the Secretary of State had made a determination under subsection (9) of that section for the making of payments to or in respect of them on and after that date on the same terms as that on which payments were so made immediately before that date.
- (3) An order under subsection (1) may include provision for the transfer to the staff of the Public Prosecution Service for Northern Ireland of such persons employed by any authority wholly or mainly in connection with the exercise of functions relating to the prosecution of offences as are specified in the order.
- (4) If on the coming into force of subsection (1) of section 31 it is not reasonably practicable for the Director to take over the conduct of all proceedings of the description specified in that subsection, he is under a duty to take over the conduct of only such proceedings of that description as it is reasonably practicable for him to conduct until the earlier of—
 - (a) the time when it is first reasonably practicable for him to take over the conduct of all proceedings of that description, and

Changes to legislation: Justice (Northern Ireland) Act 2002, Section 89 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) the end of the period of five years beginning with the day on which that subsection comes into force.
- (5) If section 35 comes into force before section 10, the reference in subsection (2) of section 35 to a lay magistrate has effect, until section 10 comes into force, as a reference to a justice of the peace.
- (6) If section 44 comes into force before section 41, subsection (1)(d) of section 44 has effect, until section 41 comes into force, as if it also referred to the presentation of an indictment under section 2(2)(f) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 (c. 15 (N.I.)).
- (7) If sections 45 to 49 come into force before section 29, the references in those sections to the Public Prosecution Service for Northern Ireland have effect, until that section comes into force, as references to the Office of the Director of Public Prosecutions for Northern Ireland.
- (8) No order may be made under Article 36A of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) in relation to an offence committed before the coming into force of section 54; and no order may be made under Article 36E of that Order in relation to an offence committed before the coming into force of section 55.
- (9) If section 56 comes into force before section 10, the references in Articles 44D(5) and 44F(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) (inserted by section 56) to a lay magistrate have effect, until section 10 comes into force, as references to a justice of the peace.
- (10) No reference may be made under Article 10A of the Criminal Justice (Children) (Northern Ireland) Order 1998 in relation to an offence committed before the coming into force of section 58; and no reference may be made under Article 33A of that Order in relation to an offence committed before the coming into force of section 59.
- (11) If section 58 comes into force before section 41, paragraph (5)(d) of Article 10B of the Criminal Justice (Children) (Northern Ireland) Order 1998 (inserted by section 58) has effect, until section 41 comes into force, as if it also referred to the presentation of an indictment under section 2(2)(f) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 (c. 15 (N.I.)).

Textual Amendments

- F1** Words in s. 89(1) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 13 para. 22\(2\)](#) (with arts. 28-31)

Changes to legislation:

Justice (Northern Ireland) Act 2002, Section 89 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(1A) inserted by [2023 c. 41 Sch. 13 para. 5\(2\)](#)
- s. 31(7) inserted by [2023 c. 41 Sch. 13 para. 5\(4\)](#)