

## SCHEDULES

### SCHEDULE 2

Article 26(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Probation Act (Northern Ireland) 1950 (c. 7)*

1. In section 1(3) (probation) for “Article 3 of the Criminal Justice (Northern Ireland) Order 1980” substitute “Article 11 or 14 of the Criminal Justice (Northern Ireland) Order 1994”.
2. After section 7(1) (supplementary provisions as to probation) there shall be inserted—
  - “(2) Nothing in section 1 of this Act shall be construed as taking away any power of a court on making a probation order in respect of an offender or discharging an offender absolutely or conditionally, to make an order under Article 11 or 14 of the Criminal Justice (Northern Ireland) Order 1994 or to order him to pay costs.”.

##### *Interpretation Act (Northern Ireland) 1954 (c. 33)*

3. In section 42(4) for the definitions of “standard scale” and “statutory maximum” substitute—
  - ““standard scale” means the standard scale provided by Article 5 of the Fines and Penalties (Northern Ireland) Order 1984;
  - “statutory maximum” means the prescribed sum within the meaning of Article 4 of the Fines and Penalties (Northern Ireland) Order 1984.”.

##### *Fisheries Act (Northern Ireland) 1966 (c. 17)*

4. In section 136(2) (offences with respect to licensed shell-fish fishery) for “Article 3 of the Criminal Justice (Northern Ireland) Order 1980” substitute “Article 14 of the Criminal Justice (Northern Ireland) Order 1994”.

##### *Children and Young Persons Act (Northern Ireland) 1968 (c. 34)*

5. In section 76(7) (which authorises a court to order the parent of a child or young person to pay fine or compensation), in the definition of “compensation” for “Article 3 of the Criminal Justice (Northern Ireland) Order 1980” substitute “Article 14 of the Criminal Justice (Northern Ireland) Order 1994”.

##### *Treatment of Offenders (Northern Ireland) Order 1976 (NI 4)*

6. In Article 7(10) (which authorises a court on making a community service order in respect of an offender to order him to pay costs or compensation)—
  - (a) “3, 7 or” shall be omitted;
  - (b) at the end add “or under Article 11 or 14 of the Criminal Justice (Northern Ireland) Order 1994”.

*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

*Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*

7. In section 27(6)(b) (restitution of property) for “Article 3 of the Criminal Justice (Northern Ireland) Order 1980” substitute “Article 14 of the Criminal Justice (Northern Ireland) Order 1994”.

8. In section 40(4)(b) (restitution of property) for “Article 3 of the Criminal Justice (Northern Ireland) Order 1980” substitute “Article 14 of the Criminal Justice (Northern Ireland) Order 1994”.

*Criminal Justice (Northern Ireland) Order 1980 (NI 6)*

9. In Article 8 (driving disqualification where vehicle used for purposes of crime)—

(a) after paragraph (1) insert—“(1A) This Article also applies where a person is convicted by or before any court of common assault or of any other offence involving an assault (including an offence of aiding, abetting, counselling or procuring, or inciting to the commission of, an offence).”;

(b) in paragraph (2) after “this Article applies” insert “by virtue of paragraph (1)”;

(c) after paragraph (2) insert—“(2A) If in a case to which this Article applies by virtue of paragraph (1A) the court is satisfied that the assault was committed by driving a motor vehicle, the court may order the person convicted to be disqualified, for such period as the court thinks fit, for holding or obtaining such a licence.”;

(d) after paragraph (3) insert—

“(4) Facilitating the commission of an offence shall be taken for the purposes of this Article to include the taking of any steps after it has been committed for the purpose of disposing of any property to which it relates or of avoiding apprehension or detection, and references in this Article to an offence punishable with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under any statutory provision on the imprisonment of young offenders.”.

*Telecommunications Act 1984 (c. 12)*

10. In paragraph 3(b) of Schedule 3 (penalties and mode of trial) for “Article 7 of the Criminal Justice (Northern Ireland) Order 1980” substitute “Article 11 of the Criminal Justice (Northern Ireland) Order 1994”.

*Fines and Penalties (Northern Ireland) Order 1984 (NI 3)*

11. In Article 17 (power to alter sums)—

(a) for paragraph (2)(e) substitute—

“(e) Article 14(11) of the Criminal Justice (Northern Ireland) Order 1994 (compensation orders).”;

(b) for paragraph (2)(i) and (j) substitute—

“(i) the Table in section 35(2) of the Criminal Justice Act (Northern Ireland) 1945 (default period of imprisonment).”;

(c) for paragraph (3) substitute—

“(3) In paragraph (1) “the relevant date” means—

(a) the date of the coming into operation of Article 3 of the Criminal Justice (Northern Ireland) Order 1994 (increase of certain maxima); or

(b) where the sums specified in a provision mentioned in paragraph (2) have been substituted by an order under paragraph (1), the date of that order.”.

*Protection of Military Remains Act 1986 (c. 35)*

**12.** In section 7(1) (offence to be triable on indictment for purpose of forfeiture) for “Article 7 of the Criminal Justice (Northern Ireland) Order 1980” substitute “Article 11 of the Criminal Justice (Northern Ireland) Order 1994”.

*Copyright, Designs and Patents Act 1988 (c. 48)*

**13.** In section 108(6) (order for delivery up of infringing copy or article in criminal proceedings) for “Article 7 of the Criminal Justice (Northern Ireland) Order 1980” substitute “Article 11 of the Criminal Justice (Northern Ireland) Order 1994”.

**14.** In section 199(6) (order for delivery up of illicit recording in criminal proceedings) for “Article 7 of the Criminal Justice (Northern Ireland) Order 1980” substitute “Article 11 of the Criminal Justice (Northern Ireland) Order 1994”.

*Insolvency (Northern Ireland) Order 1989 (NI 19)*

**15.** In Article 22(1) (application for administration order) after “creditors,” there shall be inserted “or by the chief clerk in exercise of the power conferred by section 35(4A) of the Criminal Justice Act (Northern Ireland) 1945 (enforcement of fines imposed on companies) or a clerk of petty sessions in exercise of the power conferred by Article 92A of the Magistrates' Courts (Northern Ireland) Order 1981 (enforcement of fines imposed on companies)”.

**16.** In Article 104(1) (application for winding up) after “contributories,” there shall be inserted “or by the chief clerk in exercise of the power conferred by section 35(4A) of the Criminal Justice Act (Northern Ireland) 1945 (enforcement of fines imposed on companies) or a clerk of petty sessions in exercise of the power conferred by Article 92A of the Magistrates' Courts (Northern Ireland) Order 1981 (enforcement of fines imposed on companies)”.

*Criminal Justice (Confiscation) (Northern Ireland) Order 1990 (NI 17)*

**17.** In Article 3(2)(a) (definitions) for “Article 7 of the Criminal Justice (Northern Ireland) Order 1980” substitute “Article 11 of the Criminal Justice (Northern Ireland) Order 1994”.

**18.** In Article 8 (confiscation orders: supplementary provisions)—

- (a) in paragraph (1)(b) for “Article 3 of the Criminal Justice (Northern Ireland) Order 1980” substitute “Article 14 of the Criminal Justice (Northern Ireland) Order 1994”;
- (b) in paragraph (1)(c)(ii) for “Article 7 of the Criminal Justice (Northern Ireland) Order 1980” substitute “Article 11 of the Criminal Justice (Northern Ireland) Order 1994”;
- (c) in paragraph (3)(a) for “Article 3 of the Criminal Justice (Northern Ireland) Order 1980” substitute “Article 14 of the Criminal Justice (Northern Ireland) Order 1994”.