

**2003 No. 352 (C. 27)**

**CRIMINAL PROCEDURE**

**The Criminal Justice (2003 Order) (Commencement No. 2)  
Order (Northern Ireland) 2003**

*Made* - - - - - *20th July 2003*

In exercise of the powers conferred on the Secretary of State by Article 1(3) of the Criminal Justice (Northern Ireland) Order 2003(a), I hereby make the following Order:

**Citation**

**1.** This Order may be cited as the Criminal Justice (2003 Order) (Commencement No. 2) Order (Northern Ireland) 2003.

**Appointed days**

**2.** The day appointed for the coming into operation of the following provisions of the Criminal Justice (Northern Ireland) Order 2003 is 28th July 2003;

- (a) Articles 18 to 27;
- (b) Articles 33 to 35;
- (c) Article 36(1) to the extent that it gives effect to the amendments mentioned in subparagraph (d);
- (d) paragraphs 1, 2, 4 to 15 and 17 to 25 of Schedule 1;
- (e) Article 36(2) to the extent that it gives effect to the repeals in Schedule 2, in so far as they are not already in operation, except the repeal of words in the Police and Criminal Evidence (Northern Ireland) Order 1989(b).

**3.** The day appointed for the coming into operation of Article 32 of the Criminal Justice (Northern Ireland) Order 2003 is 13th October 2003.

Northern Ireland Office  
20th July 2003

*John Spellar*  
Minister of State

## **EXPLANATORY NOTE**

*(This note is not part of the Order.)*

This Order brings into operation on 13th October 2003 Article 32 of the Criminal Justice (Northern Ireland) Order 2003 (“the parent Order”). Article 32 enables the prosecutor (in addition to the offender) to receive a copy of a pre-sentence report.

This Order brings into operation on 28th July 2003 the following provisions of the parent Order:

Article 18 which amends the meaning of rape;

Article 19 which amends the law in relation to buggery;

Articles 20 and 21 which amend the law on assault with intent to commit buggery and indecent assault on a male;

Article 22 which increases the maximum penalty for indecent conduct towards a child;

Article 23 which abolishes the presumption in law that a boy under 14 years old is incapable of sexual intercourse;

Article 24 relating to the forfeiture of recognizances in certain circumstances;

Article 25 which provides flexibility of signatory where a summons needs to be re-issued with a later date for a person’s appearance at court;

Article 26 which amends the circumstances in which magistrates’ courts may record a guilty plea in the defendant’s absence;

Article 27 which facilitates the use by magistrates’ courts of remands of up to 28 days;

Article 33 which lays down procedures for the eventuality that televisual equipment being used for a remand hearing should fail and not be readily repairable;

Article 34 which allows the Secretary of State to pay the costs of defence representation where a defendant is prevented from cross-examining a witness in person;

Article 35 which enables the Secretary of State to approve counsel’s fees in any prosecution, in accordance with arrangements approved by HM Treasury; and

Article 36 (partially) which gives effect to the amendments and repeals in Schedules 1 and 2 to the parent Order.

## **NOTE AS TO EARLIER COMMENCEMENT ORDER**

*(This note is not part of the Order.)*

The following provisions of the Criminal Justice (Northern Ireland) Order 2003 were brought into operation on 13th June 2003 by the Criminal Justice (2003 Order) (Commencement No. 1) Order (Northern Ireland) 2003 (S.R. 2003 No. 307 (C. 21)):

Articles 3 to 6;

Articles 28 to 30;

Article 36, Schedules 1 and 2 (partially).

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