
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force in Northern Ireland certain provisions of the Coroners and Justice Act 2009 (c.25) (“the 2009 Act”).

The provisions of the 2009 Act set out in Article 2 come into force on 18th April 2011.

It brings into force most of the provisions in sections 74 to 83 and 85 which relate to investigation anonymity orders. The purpose of an order is to prohibit the disclosure of information relating to the identity of a specified person who is or was able or willing to assist a qualifying criminal investigation. The individual’s identity will be protected by a court order during the investigation and permanently thereafter.

It also brings into force section 144 of and part of Schedule 17 to the 2009 Act along with associated transitional provisions which relate to the treatment of criminal convictions imposed by courts outside England and Wales and Northern Ireland. Those provisions transpose in relation to Northern Ireland Council Framework Decision 2008/675/JHA of 24th July 2008 on taking account of convictions in Member States of the European Union in the course of criminal proceedings (OJ No L 220, 15.8.2008, p.32).

The provisions of the 2009 Act set out in Article 3 come into force on 1st June 2011.

These are provisions relating to murder and infanticide. These provisions amend the Criminal Justice Act (Northern Ireland) 1966 (c.20) in respect of the partial defence to murder of diminished responsibility (section 53); replace the common law partial defence to murder of provocation with the new partial defence of loss of control (sections 54 to 56); and amend the Infanticide Act (Northern Ireland) 1939 (c.5) so that the offence and defence of infanticide can only apply in circumstances where the relevant conduct would otherwise amount to the offence of murder or manslaughter (section 58).