

2016 No. 136 (C. 8)

JUSTICE

The Justice (2015 Act) (Commencement No. 5) Order (Northern Ireland) 2016

Made - - - -

8th March 2016

The Department of Justice, in exercise of the powers conferred by section 106(2) of the Justice Act (Northern Ireland) 2015(a), makes the following Order:

Citation

1.—(1) This Order may be cited as the Justice (2015 Act) (Commencement No. 5) Order (Northern Ireland) 2016.

(2) In this Order, “the 2015 Act” means the Justice Act (Northern Ireland) 2015.

Provisions coming into operation on 14th March 2016

2. The day appointed for the coming into operation of the following provisions of the 2015 Act is 14th March 2016 —

- (a) section 48 (child protection disclosures); and
- (b) Schedule 6 (amendments; serious physical harm to child or vulnerable adult).

Provisions coming into operation on 1st April 2016

3. The day appointed for the coming into operation of the following provisions of the 2015 Act is 1st April 2016 —

- (a) section 88 (early guilty pleas); and
- (b) section 93 (Public Prosecutor’s summons).

Provisions coming into operation on 29th April 2016

4. The day appointed for the coming into operation of the following provisions of the 2015 Act is 29th April 2016 —

- (a) section 49 (Live Links: accused at committal proceedings);
- (b) section 51 (Live Links: proceedings for failure to comply with certain orders or licence conditions);
- (c) section 54 (Live Links: patients detained in hospital under Mental Health Order);
- (d) section 105 (Repeals) to the extent necessary to bring into operation the repeals specified in paragraph (e); and

(a) 2015 c.9 (N.I.).

- (e) in Schedule 9 (Repeals) Part 4 in so far as it relates to the repeal of —
- (i) the Criminal Justice (Northern Ireland) Order 2008^(a); and
 - (ii) the Justice Act (Northern Ireland) 2011^(b).

Sealed with the Official Seal of the Department of Justice on 8th March 2016



David Ford
Minister of Justice

(a) S.I. 2008/1216 (N.I. 1)
(b) 2011 c. 24 (N.I.)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation certain provisions of the Justice Act (Northern Ireland) 2015 (c.9 (N.I.)) (“the Act”).

The provisions of the Act set out in Article 2 come into operation on 14th March 2016.

Section 48 amends the Criminal Justice (Northern Ireland) Order 2008 to allow for the introduction of Child Protection Disclosures to Northern Ireland. These provisions allow for the consideration of disclosure of conviction information to members of the public in relation to any offender who falls within the public protection arrangements for Northern Ireland.

Schedule 6 contains amendments consequential to the provisions in section 96 on serious physical harm to a child or vulnerable adult, which were commenced on 29th January 2016. The Schedule 6 provisions were inadvertently omitted from that commencement order (2015 No. 418 (C.36)).

The provisions of the Act set out in Article 3 come into operation on 1st April 2016.

Section 88 requires a court, in certain circumstances when passing sentence, to indicate the sentence that it would have passed had the defendant entered a guilty plea at the earliest reasonable opportunity. This section is intended to increase awareness of the availability of sentencing credit for an early plea and add some clarity around the level of credit that may be available in particular circumstances.

Section 93 enables a prosecutor from the Public Prosecution Service to issue a summons to an accused person without first having to get a lay magistrate to sign the summons, provided that a complaint has been made to a lay magistrate.

The provisions of the Act set out in Article 4 come into operation on 29th April 2016.

Section 49 allows for the accused to appear and give evidence by live link in committal proceedings in magistrates’ courts, if the accused is likely to be held in custody or detained in hospital during the proceedings.

Section 51 allows for live links to be used in proceedings where a person, already being held in custody, has to be brought before the court for failing to comply with a specified court order or with conditions under which a sexual offender is released on licence.

Section 54 extends the use of live links in certain court proceedings to include patients detained in hospital under Part 2 of the Mental Health (NI) Order 1986 – patients compulsorily admitted to hospital for psychiatric assessment or treatment. Currently only Part 3 psychiatric patients – those compulsorily admitted to hospital via the criminal justice system – are able to appear by live link.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Justice Act (Northern Ireland) 2015 have been brought into operation by a Commencement Order before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Sections 28, 29 and 31 to 35	1 st September 2015	2015 No. 320 (C.26)
Sections 65(2)(h) and 69(1)	1 st September 2015	2015 No. 324 (C.27)
Sections 6(2) and (3) and 95	30 th September 2015	2015 No. 324 (C.27)
Section 37 (partially), sections 38 to 40, sections 44 to 47, section 66 (partially), section 67 (partially), section 69 (so far as not already in operation), and Schedule 5 (partially)	2 nd November 2015	2015 No. 358 (C.30)
Sections 94 and 96	29 th January 2016	2015 No. 418 (C.36)
Section 41 and Schedule 4	1 st March 2016	2015 No. 418 (C.36)

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