

SCHEDULES

SCHEDULE 14

Criminal Justice

Coroners and Justice Act 2009

93. Amend the Coroners and Justice Act 2009(1) as follows.

Commencement Information

I1 Sch. 14 para. 93 in force at 12.4.2010, see [art. 1\(2\)](#)

94.—(1) Amend section 74 (anonymity in investigations: qualifying offences) as follows.

(2) In subsection (4) for “Secretary of State” substitute “appropriate authority”.

(3) In subsection (5), at the appropriate place, insert—

““the appropriate authority” means, in relation to England and Wales, the Secretary of State and, in relation to Northern Ireland, the Department of Justice in Northern Ireland;”.

Commencement Information

I2 Sch. 14 para. 94 in force at 12.4.2010, see [art. 1\(2\)](#)

95.—(1) Amend section 75 (anonymity in investigations: qualifying investigations) as follows.

(2) After subsection (4) insert—

“(5) The power to make an order under subsection (3) is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State) so far as it may be used to make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998(2)).”

Commencement Information

I3 Sch. 14 para. 95 in force at 12.4.2010, see [art. 1\(2\)](#)

96.—(1) Amend section 77 (anonymity in investigations: applications) as follows.

(2) After subsection (8) insert—

“(9) The power to make an order under subsection (7) is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State) so far as it may be used to

(1) 2009 c. 25.

(2) 1998 c. 47.

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make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).”

Commencement Information

I4 Sch. 14 para. 96 in force at 12.4.2010, see [art. 1\(2\)](#)

97.—(1) Amend section 78 (anonymity in investigations: conditions for making order) as follows.

(2) In subsection (10) for “Secretary of State” substitute “appropriate authority”.

(3) After subsection (11) insert—

“(12) In subsection (10) “the appropriate authority” means, in relation to England and Wales, the Secretary of State and, in relation to Northern Ireland, the Department of Justice in Northern Ireland.”

Commencement Information

I5 Sch. 14 para. 97 in force at 12.4.2010, see [art. 1\(2\)](#)

98.—(1) Amend section 83 (review of Chapter 1 of Part 3) as follows.

(2) In subsection (1) after “Chapter” insert “in England and Wales”.

(3) After subsection (2) insert—

“(3) The Department of Justice in Northern Ireland must review the operation of this Chapter in Northern Ireland and prepare a report of that review.

(4) The Department of Justice must lay a copy of the report before the Northern Ireland Assembly before the end of the period of 2 years beginning with the day on which section 77 comes into force.

(5) Section 41(3) of the Interpretation Act (Northern Ireland) 1954(3) applies for the purposes of subsection (4) in relation to the laying of a copy of a report as it applies in relation to the laying of a statutory document under an enactment.”

Commencement Information

I6 Sch. 14 para. 98 in force at 12.4.2010, see [art. 1\(2\)](#)

99. In section 161 (exploitation proceeds orders: applications) after subsection (5) insert—

“(6) In the application of this section to Northern Ireland, in subsections (2)(a)(ii) and (4) references to the Secretary of State are to be read as references to the Department of Justice in Northern Ireland.”

Commencement Information

I7 Sch. 14 para. 99 in force at 12.4.2010, see [art. 1\(2\)](#)

(3) 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.

100. In section 166 (exploitation proceeds orders: effect of conviction being quashed etc) after subsection (9) insert—

“(9A) In the case of an exploitation proceeds order made in Northern Ireland on the application of an enforcement authority other than the Serious Organised Crime Agency, references in this section to the Secretary of State are to be read as references to the Department of Justice in Northern Ireland.”

Commencement Information

18 Sch. 14 para. 100 in force at 12.4.2010, see [art. 1\(2\)](#)

101.—(1) Amend section 176 (orders etc) as follows.

(2) After subsection (2) insert—

“(2A) Any power of the Department of Justice in Northern Ireland to make an order under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(4).”

(3) After subsection (6) insert—

“(7) No order may be made under this Act by the Department of Justice in Northern Ireland unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(8) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (7) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.

(9) Subsection (7) does not apply to the making by the Department of Justice of—

- (a) an order under section 177 which does not contain any provision amending or repealing any provision of an Act;
- (b) an order under section 182;

and an order within paragraph (a) above made by the Department of Justice is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(5)).”

Commencement Information

19 Sch. 14 para. 101 in force at 12.4.2010, see [art. 1\(2\)](#)

102.—(1) Amend section 177 (consequential amendments etc) as follows.

(2) After subsection (3) insert—

“(3A) In relation to the making of provision that could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998(6)), in subsection (3) references to the appropriate minister are to be read as references to the Department of Justice in Northern Ireland.”

(4) [S.I. 1979/1573 \(N.I. 12\)](#).

(5) Section 41(6) was amended by [S.I. 1999/663](#).

(6) [1998 c. 47](#).

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Commencement Information

I10 Sch. 14 para. 102 in force at 12.4.2010, see [art. 1\(2\)](#)

103.—(1) Amend section 182 (commencement) as follows.

(2) After subsection (5) insert—

“(6) The power to make provision by order under subsection (4) or (5) is exercisable by the Department of Justice in Northern Ireland (and not by the Lord Chancellor or the Secretary of State) so far as it may be used to make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).

(7) Before making an order under subsection (4) or (5) bringing into force any provision for the purposes of the law of Northern Ireland, the Lord Chancellor or the Secretary of State must consult the Department of Justice.”

Commencement Information

I11 Sch. 14 para. 103 in force at 12.4.2010, see [art. 1\(2\)](#)

104.—(1) Amend Schedule 16 (extension of disqualification for driving) as follows.

(2) In paragraph 1, in the inserted Article 8A(10), for the words from “annulment” to “accordingly” substitute “negative resolution”.

(3) In paragraph 4, in the inserted Article 40A—

(a) in paragraph (9) for “Secretary of State” substitute “Department of Justice”;

(b) in paragraph (10) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Commencement Information

I12 Sch. 14 para. 104 in force at 12.4.2010, see [art. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Coroners and Justice Act 2009.