

## SCHEDULES

### SCHEDULE 14

#### Criminal Justice

##### *Policing and Crime Act 2009*

**105.** Amend the Policing and Crime Act 2009(1) as follows.

**106.** After section 113 insert—

**“113A Northern Ireland: minor and consequential amendments etc**

(1) 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(2)), in sections 112(3) and 113 references to the Secretary of State are to be read as references to the Department of Justice in Northern Ireland.

(2) The power of the Department of Justice to make an order under section 112 or 113 is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (and not by statutory instrument).

(3) Section 112(6) to (8) does not apply in relation to the power of the Department of Justice to make an order under section 112.

(4) The Department of Justice may not make an order under section 112 unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(5) Subsection (4) does not apply to an order if the order does not amend or repeal a provision of a public general Act.

(6) An order made by the Department of Justice under section 112 to which subsection (4) does not apply is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).

(7) Section 112(9) applies for the purposes of subsection (5) as it applies for the purposes of section 112(7).

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

**107.—**(1) Amend section 116 (commencement) as follows.

(2) After subsection (1) insert—

“(1A) The power to make provision by order under subsection (1) 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

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(1) 2009 c. 26.

(2) 1998 c. 47.

*Status: This is the original version (as it was originally made).*

Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).”

- (3) In subsection (2) after “Secretary of State” insert “(but not the Department of Justice)”.
- (4) In subsection (7)(a) after “instrument” insert “(subject to subsection (8))”.
- (5) After subsection (7) insert—
  - “(8) The power of the Department of Justice in Northern Ireland to make an order under subsection (1) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.”

**108.**—(1) Amend Schedule 2 (closure orders) as follows.

- (2) In paragraph 1, in the inserted section 136R, after subsection (8) insert—
  - “(8A) In the application of this Part to Northern Ireland, references to the Secretary of State are to be read as references to the Department of Justice in Northern Ireland.”
- (3) In paragraph 2 for “subsection (2)” substitute “subsections (2) and (6)”.