
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 523 (C. 30)

CRIMINAL PROCEDURE

**Criminal Justice (1996 Order) (Commencement
No. 2) Order (Northern Ireland) 1997**

Made - - - - 3rd December 1997

In exercise of the powers conferred on me by Article 1(2) and (3) of the Criminal Justice (Northern Ireland) Order 1996(1), I hereby make the following Order:

Citation

1. This Order may be cited as the Criminal Justice (1996 Order) (Commencement No. 2) Order (Northern Ireland) 1997.

Provisions of the Criminal Justice (Northern Ireland) Order 1996 brought into operation by this Order

2. The following provisions of the Criminal Justice (Northern Ireland) Order 1996 shall come into operation on 1st January 1998:

- (a) Articles 3 to 22;
- (b) Articles 24 to 32;
- (c) Article 34;
- (d) Articles 36 and 37;
- (e) Articles 48 to 52;
- (f) Article 57 to the extent that it relates to Articles 2(2), 4(4), 10(8), 13(10), 17 and 26(5);
- (g) Article 58 to the extent that it activates the amendments, transitional provisions, savings and repeals mentioned in sub-paragraphs (i), (j) and (k);
- (h) Schedules 1, 2, 3 and 4;
- (i) In Schedule 5, paragraphs 2 to 17;
- (j) In Schedule 6, paragraph 1 so far as it relates to Articles 8 to 11, 13, 15, 19 to 22, 24 to 32, 36 and 37; and paragraphs 2 and 3;
- (k) In Schedule 7, the repeal of those provisions whose repeal was not brought into operation by the Criminal Justice (1996 Order) (Commencement No. 1) Order (Northern Ireland)

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1997(2), except the repeal of section 72(3) of the Children and Young Persons Act (Northern Ireland) 1968(3).

Day appointed for the coming into operation of the Criminal Justice (Northern Ireland Consequential Amendments) Order 1996.

3. The day appointed for the coming into operation of the provisions of the Criminal Justice (Northern Ireland Consequential Amendments) Order 1996(4) is the 1st January 1998.

Northern Ireland Office
3rd December 1997

Marjorie Mowlam
One of Her Majesty's Principal Secretaries of
State

(2) S.R. 1997 No. 267 (C.13)
(3) 1968 c. 34 (N.I.)
(4) S.I. 1996/3161

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order brings into operation on 1st January 1998 the following provisions of the Criminal Justice (Northern Ireland) Order 1996—

Article 3 which provides for deferment of sentence;

Articles 4 to 7 which make provision in relation to absolute and conditional discharge;

Articles 8 to 17 which amend the law in relation to community sentences;

Articles 18 to 22 which establish statutory criteria for the imposition of custodial sentences;

Articles 24 and 25 which create a new order known as a custody probation order;

Articles 26 to 28 which give courts the option of requiring a sex offender to be subject to supervision on licence after release from custody;

Articles 29 to 32 which introduce new provisions in relation to the fixing of fines;

Article 34 which makes provision for reports of probation officers;

Article 36 which makes provision for savings for mitigation and mentally disordered offenders;

Article 37 which allows courts to take into account the effect of previous convictions and of offending while on bail;

Articles 48 to 51 which make amendments to the Mental Health (Northern Ireland) Order 1986 to provide for new arrangements for dealing with persons found not guilty by reason of insanity or unfit to be tried;

Article 52 which provides for the making of magistrates' courts rules as to furnishing of information by prosecution;

Schedule 1 which contains additional requirements in probation orders;

Schedule 2 which makes arrangements for the enforcement etc. of community orders;

Schedule 3 which makes amendments arising from new provisions relating to the fixing of fines;

Schedule 4 which inserts a new Schedule 2A to the Mental Health (Northern Ireland) Order 1986.

The Order also brings into operation on that date further transitional provisions, savings and repeals not already in operation.

It also provides for the coming into operation on 1st January 1998 of the Criminal Justice (Northern Ireland Consequential Amendments) Order 1996.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order.)

The following provisions of the Criminal Justice (Northern Ireland) Order 1996 have been brought into operation by commencement order made before the date of this order—

Provision	Date of commencement	S.R. number
Articles 1, 2, 33, 35, 44 to 47, 53 to 56, 57 (partially), 58	25th July 1997	1997 No. 267 (C.13)

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Provision	Date of commencement	S.R. number
(partially), Sch 5 (partially), Sch 6 (partially), Sch 7 (partially).		