

*Status: Point in time view as at 31/10/2016.*

*Changes to legislation: Justice Act (Northern Ireland) 2015, SCHEDULE 8 is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 8

Section 104.

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### *Part 1: Saving for jurisdiction conferred by other statutory provisions*

**1** Nothing in Part 1 affects any jurisdiction conferred by any other statutory provision on a county court or magistrates' court as regards matters arising outside Northern Ireland.

##### **Commencement Information**

**I1** Sch. 8 para. 1 in operation at 31.10.2016 by S.R. 2016/387, art. 2(I) (with art. 3)

##### *Part 1: Lay magistrates*

**2** A person who, immediately before section 4 comes into operation, was a lay magistrate for a county court division shall be treated as having been appointed under section 4 as a lay magistrate for the administrative court division which—

- (a) is specified in the first directions given under section 2 as an administrative court division for all or the residual purposes of a magistrates' court; and
- (b) contains the whole or the largest part of the county court division for which the lay justice was appointed.

##### **Commencement Information**

**I2** Sch. 8 para. 2 in operation at 31.10.2016 by S.R. 2016/387, art. 2(I) (with art. 3)

##### *Part 1: Justices of the peace*

**3** A person who, immediately before section 5 comes into operation, was a justice of the peace for a county court division shall be treated as having been appointed under section 5(2) as a justice of the peace for Northern Ireland.

##### **Commencement Information**

**I3** Sch. 8 para. 3 in operation at 31.10.2016 by S.R. 2016/387, art. 2(I) (with art. 3)

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### *Part 2: Committal proceedings*

**4** A provision in Part 2 does not apply in relation to proceedings instituted before the coming into operation of that provision; and for this purpose proceedings are to be taken to be instituted—

(a) where—

(i) a summons or warrant is issued under Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981, or

(ii) a summons is issued under section 93,  
when the complaint for the offence is made;

(b) where a person is charged with the offence after being taken into custody without a warrant, when that person is informed of the particulars of the charge;

(c) where an indictment is presented under the authority of section 2(2)(c), (d), (e) or (f) of the Grand Jury (Abolition) Act (Northern Ireland) 1969, when the indictment is presented to the court;

and where the application of this paragraph would result in there being more than one time for the institution of the proceedings, they shall be taken to have been instituted at the earliest of those times.

### *Part 3: Prosecutorial fines*

**5** Part 3 applies in relation to an offence alleged to have been committed before as well as after the coming into operation of that Part.

### *Part 7: Live links*

**6.—**(1) Subject to sub-paragraph (2), Part 7 applies to proceedings commenced before as well as after the coming into operation of that Part.

(2) Section 52 does not apply in relation to a witness in any proceedings if an application for a direction under Article 10 of the Criminal Justice (Northern Ireland) Order 2004 has been refused in respect of that witness in those proceedings.

### *Part 9: DNA profiles or fingerprints*

**7** The amendment made by section 86 applies even where the event referred to in paragraph (1)(b) of the substituted Article 63N of the Police and Criminal Evidence (Northern Ireland) Order 1989 occurs before the day on which that section comes into operation.

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*Part 9: Early guilty pleas*

**8** Section 88 does not apply in relation to an offence committed before the coming into operation of that section.

*Part 9: Meeting a child following sexual grooming etc.*

**9** Section 89 does not apply in a case in which person A met or communicated with person B only once before the event mentioned in Article 22(1)(a)(i) to (iii) of the Sexual Offences (Northern Ireland) Order 2008, if that meeting or communication took place before the coming into operation of that section.'

*Part 9: Public Prosecutor's summons*

**10** Section 93 does not apply where a complaint referred to in subsection (1) or (3) of that section was made before the coming into operation of that section.

*Part 9: Serious physical harm to a child or vulnerable adult*

**11** An amendment made by section 95 or Schedule 6 does not apply in relation to any harm resulting from an act that occurs, or so much of an act as occurs, before the coming into operation of that amendment.

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