

2008 No. 217 (C. 8)

CRIMINAL LAW

**Criminal Justice (Northern Ireland) Order 2008
(Commencement No.1 and Savings and Transitory Provisions)
Order 2008**

Made - - - -

15th May 2008

The Secretary of State makes the following Order in exercise of the powers conferred by Articles 1(4) and 100 (4), of the Criminal Justice (Northern Ireland) Order 2008 **(a)**:

Citation and Interpretation

1.—(1) This Order may be cited as the Criminal Justice (Northern Ireland) Order 2008 (Commencement No.1 and Savings and Transitory Provisions) Order 2008.

(2) In this Order—

- (a) “the 2008 Order” means the Criminal Justice (Northern Ireland) Order 2008; and
- (b) “the 1996 Order” means the Criminal Justice (Northern Ireland) Order 1996 **(b)**.

Commencement

2. Subject to Article 3, the provisions of the 2008 Order specified in the Schedule to this Order shall come into operation on 15 May 2008 except that where any limitation is specified in relation to any provision in the Schedule, the provision concerned shall come into operation on that date subject to that limitation.

Savings

3.—(1) The coming into operation of the provisions of the 2008 Order specified in paragraph (2) is of no effect in relation to an offence committed before 15 May 2008.

(2) The provisions to which this paragraph applies are—

- (a) Article 7;
- (b) In Schedule 5 (amendments)—
 - (i) paragraph 5(1),
 - (ii) paragraph 7(1) to (5) and (7).

Transitory Provision

4. Where a court is dealing with an offender for an offence committed on or after 15 May 2008—

- (a) until the repeal of Article 18 of the 1996 Order comes into operation, Article 18(1) of that Order shall have effect as if after “juvenile justice centre order” there was inserted “or pass a sentence of detention under Article 13(4)(b) or 14(5) of the Criminal Justice (Northern Ireland) Order 2008”.
- (b) until the repeal of Article 19 of the 1996 Order comes into operation, Article 19(1) of that Order shall have effect as if after “2006” there was inserted “or Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008”.
- (c) until the repeal of Article 20 of the 1996 Order comes into operation, Article 20(1) of that Order shall have effect as if after “2006” there was inserted “or Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008”.
- (d) until the repeal of Article 21 of the 1996 Order comes into operation, Article 21(1) of that Order shall have effect as if after “20(2)” there was inserted “or Article 7(2), 13(1)(b) or 14(1)(b)(i) of the Criminal Justice (Northern Ireland) Order 2008”.
- (e) until the repeal of Article 24 of the 1996 Order comes into operation, Article 24 of that Order shall have effect as if in paragraph (1), after “2006” there was inserted “or Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008”.
- (f) until the repeal of Article 26 of the 1996 Order comes into operation, Article 26(1)(a) of that Order shall have effect as if after “offence” there was inserted “other than one for which the sentence falls to be imposed under Articles 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008”.

Northern Ireland Office
15 May 2008

Paul Goggins
Minister of State

PROVISIONS COMING INTO OPERATION ON 15 MAY 2008

1. Article 3 (interpretation of Part 2).
2. Article 4 (interpretation of Chapter 2 of Part 2).
3. Article 7 (length of custodial sentences) in so far as it relates to a court passing an extended custodial sentence.
4. Articles 12 to 15 and Schedules 1 and 2 (dangerous offenders).
5. Article 16 (interpretation of Chapter 4 of Part 2).
6. Article 18 (duty to release prisoners serving indeterminate or extended sentences).
7. Articles 21 (duration of licences: fixed term prisoners) in so far as it relates to a person serving an extended custodial sentence.
8. Article 22 (duration of licences: prisoners serving indeterminate custodial sentences) in so far as it relates to a person released on licence under Article 18.
9. Article 24(1), (3) to (6), (7)(b) and (8) (licence conditions).
10. Article 27 (duty to comply with licence conditions).
11. Article 28 (recall of prisoners while on licence) in so far as it relates to a person released on licence under Article 18.
12. Article 31 (conviction while licence in force).
13. Article 32(1), (2)(a) and (c), and (4) (concurrent sentences) in so far as it relates to an offender sentenced to two or more sentences under Article 13 or Article 14.
14. Article 33(1) to (3) and (6)(a)(i) (consecutive sentences) in so far as it relates to an offender sentenced to two or more extended custodial sentences.
15. Article 46 and Schedule 4 (Parole Commissioners).
16. Article 102(1) (amendments) to the extent necessary to bring into operation the amendments specified in paragraph 18.
17. Article 102(2) (repeals) to the extent necessary to bring into operation the repeals specified in paragraph 19.
18. In Schedule 5 (Amendments)—
 - (a) Paragraphs 1 to 3;
 - (b) Paragraph 4(2)
 - (c) Paragraphs 5 and 6;
 - (d) Paragraph 7(1) to (5) and (7);
 - (e) Paragraphs 8 to 11.
19. In Schedule 6 (Repeals) Part 1 the entries in respect of—
 - (a) the Northern Ireland Assembly Disqualification Act 1975 **(a)**;
 - (b) the Life Sentences (Northern Ireland) Order 2001 **(b)**;

(a) c.25
(b) S.I. 2564 (N.I.2)

- (c) the Justice (Northern Ireland) Act 2002 (a) in so far as it repeals paragraph 18 of Schedule 7.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation the provisions of the Criminal Justice (Northern Ireland) Order 2008 set out in the Schedule on 15 May 2008. In particular it brings into operation provisions enabling the imposition of indeterminate and extended custodial sentences for certain offences, and the release on licence of offenders serving such sentences. Commencement of the provisions specified in Article 3(2) is subject to the saving provision in Article 3(1). Transitory modifications to Articles 18, 19, 20, 21, 24 and 26 of the Criminal Justice (Northern Ireland) Order 1996 (N.I. 24) are made by Article 4 of this Order.

(a) c.26

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