

SCHEDULES

SCHEDULE 2

Article 4(3)

Amendments of enactments specified in Schedule 1

Administration of Justice Act (Northern Ireland) 1954

1. Omit section 10 of the Administration of Justice Act (Northern Ireland) 1954(1).

Increase of Fines Act (Northern Ireland) 1967

2.—(1) Amend section 2 of the Increase of Fines Act (Northern Ireland) 1967(2) (power to make amendments as a result of the increase and variation of penalties under the Act) as follows.

(2) In subsection (1) for “The Governor may, by Order in Council” substitute “The Department of Justice may by order”.

(3) In subsection (1)(a) and (b) for “him” substitute “it”.

(4) For subsection (2) substitute—

“(2) No order shall be made by the Department of Justice under this section unless a draft of it has been laid before, and approved by a resolution of, the Assembly.”

Treatment of Offenders Act (Northern Ireland) 1968

3.—(1) Amend the Treatment of Offenders Act (Northern Ireland) 1968(3) as follows.

(2) Omit section 32 (financial provisions).

(3) In section 32A(2) (rules) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Treatment of Offenders (Northern Ireland) Order 1976

4. In Article 18 of the Treatment of Offenders (Northern Ireland) Order 1976(4) (rules and orders) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Criminal Damage (Compensation) (Northern Ireland) Order 1977

5.—(1) Amend the Criminal Damage (Compensation) (Northern Ireland) Order 1977(5) as follows.

(1) 1954 c. 9 (N.I.), as amended by S.I. 1973/2163.

(2) 1967 c. 29 (N.I.) By virtue of paragraph 8 of Schedule 12 to the Northern Ireland Act 1998 (c. 47) the reference to the making of an Order in Council by the Governor of Northern Ireland is to be construed as a reference to the making of an order by the Secretary of State.

(3) 1968 c. 29 (N.I.). Functions under the Act were transferred by S.I. 1973/2163. Section 32A was inserted by S.I. 1996/3160 (N.I. 24).

(4) S.I. 1976/226 (N.I. 4). The whole of the Order is prospectively repealed by S.I. 2008/1216 (N.I. 1).

(5) S.I. 1977/1247 (N.I. 14). Relevant amendments were made by S.I. 1991/1711 (N.I. 16) and S.I. 2009/884 (N.I. 1).

Status: This is the original version (as it was originally made).

(2) Omit Article 20 (payments into Consolidated Fund).

(3) In Article 21(4) (orders and regulations) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Rehabilitation of Offenders (Northern Ireland) Order 1978

6.—(1) Amend the Rehabilitation of Offenders (Northern Ireland) Order 1978(6) as follows.

(2) In Article 6 (rehabilitation periods for particular sentences)—

(a) in paragraph (1)(d) for “Secretary of State or the Governor” substitute “Minister in charge of the Department of Justice”;

(b) in paragraph (13) for “resolution of, each House of Parliament” substitute “a resolution of, the Assembly”.

(3) In Article 11 (orders) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Criminal Justice (Northern Ireland) Order 1980

7.—(1) Amend Article 11 of the Criminal Justice (Northern Ireland) Order 1980(7) (medical practitioners for post-mortem examinations) as follows.

(2) In paragraph (2) for “Minister for the Civil Service” substitute “Department of Finance and Personnel”.

(3) In paragraph (4) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Road Traffic (Northern Ireland) Order 1981

8.—(1) Amend the Road Traffic (Northern Ireland) Order 1981(8) as follows.

(2) In Article 180C(4) (retention etc. of vehicles seized under Article 180B) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Fines and Penalties (Northern Ireland) Order 1984

9.—(1) Amend the Fines and Penalties (Northern Ireland) Order 1984(9) as follows.

(2) In Article 17(6)(a) (power to alter sums specified in certain provisions) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Mental Health (Northern Ireland) Order 1986

10.—(1) Amend the Mental Health (Northern Ireland) Order 1986(10) as follows.

(2) For paragraph 1(4) of Schedule 2A (supervision and treatment orders) substitute—

(6) S.I. 1978/1908 (N.I. 27).

(7) S.I. 1980/704 (N.I. 6); to which there are amendments not relevant to this Schedule.

(8) S.I. 1981/154 (N.I. 1). Articles 180B and 180C were inserted as “180C” and “180D” respectively by S.I. 2007/916 (N.I. 10) and re-numbered as “180B” and “180C” by S.R. (N.I.) 2008 No. 244 (C. 13).

(9) S.I. 1984/703 (N.I. 3). Relevant amendments were made by S.I. 1993/1576 (N.I. 6); S.I. 1994/2795 (N.I. 15); the Criminal Justice and Public Order Act 1994 (c. 33); S.I. 1996/3160 (N.I. 24).

(10) S.I. 1986/595 (N.I. 4). Schedule 2A was inserted by S.I. 1996/3160 (N.I. 24).

“(4) An order under sub-paragraph (2) is subject to negative resolution.”

Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988

11.—(1) Amend the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(**11**) as follows.

(2) In Article 4(8) (notices of transfer) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Criminal Evidence (Northern Ireland) Order 1988

12.—(1) Amend the Criminal Evidence (Northern Ireland) Order 1988(**12**) as follows.

(2) In Article 2(2) (interpretation and savings), in the definition of “authorised place of detention”, for the words from “annulment” to “accordingly” substitute “negative resolution”.

Police and Criminal Evidence (Northern Ireland) Order 1989

13.—(1) Amend the Police and Criminal Evidence (Northern Ireland) Order 1989(**13**) as follows.

(2) In Article 66 (codes of practice)—

(a) in paragraph (3) for “both Houses of Parliament” substitute “the Assembly”;

(b) in paragraph (4) for “Parliament” substitute “the Assembly”.

(3) In Article 89 (orders and regulations) make the existing text paragraph (1).

(4) In paragraph (1) for the words from “Articles” to “46A” substitute “Article 85(1)”.

(5) After paragraph (1) insert—

“(2) Orders made by the Department of Justice under Article 53, 60, 60A or 66 shall be subject to negative resolution.

(3) Regulations made by the Department of Justice under Article 29(4) or 46A shall be subject to negative resolution.”

Road Traffic (Northern Ireland) Order 1995

14.—(1) Amend the Road Traffic (Northern Ireland) Order 1995(**14**) as follows.

(2) In Article 13(2B) (interpretation: orders designating health care professions) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Proceeds of Crime (Northern Ireland) Order 1996

15.—(1) Amend the Proceeds of Crime (Northern Ireland) Order 1996(**15**) as follows.

(2) In Article 56 (regulations extending certain offences to Crown servants)—

(a) in paragraph (1) for “Secretary of State” substitute “appropriate authority”;

(11) S.I. 1988/1846 (N.I. 16).

(12) S.I. 1988/1987 (N.I. 20). The definition of “authorised place of detention” was inserted by S.I. 1999/2789 (N.I. 8).

(13) S.I. 1989/1341 (N.I. 12). Article 89 was amended by section 72 of the Police (Northern Ireland) Act 2000 (c. 32); section 42 of the Police (Northern Ireland) Act 2003 (c. 6); and S.I. 2007/288 (N.I. 2).

(14) S.I. 1995/2994 (N.I. 18). Article 13(2B) was inserted by S.I. 2005/1965 (N.I. 15).

(15) S.I. 1996/1299 (N.I. 9). Article 56 was amended by Schedule 11 to the Proceeds of Crime Act 2002 (c. 29).

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

- (b) in paragraph (5), at the appropriate place, insert—
 - ““the appropriate authority” means—
 - (a) in relation to persons in the public service of the Crown in right of Her Majesty’s Government in the United Kingdom, the Secretary of State;
 - (b) otherwise, the Department of Justice;”;
 - (c) in paragraph (5), in the definition of “prescribed”, for “Secretary of State” substitute “appropriate authority”;
 - (d) after paragraph (5) insert—
 - “(5A) Regulations made by the Department of Justice under this Article shall be subject to negative resolution.”;
 - (e) in paragraph (6) after “Regulations” insert “made by the Secretary of State”.
- (3) In paragraph 2 of Part 2 of Schedule 1 (orders varying list of offences) for the words from “annulment” to “accordingly” substitute “negative resolution”.
- (4) In paragraph 8(3) of Schedule 2 (financial investigations: code of practice)—
- (a) for “both Houses of Parliament” substitute “the Assembly”;
 - (b) for “code before both Houses” substitute “code before the Assembly”.
- (5) In paragraph 9 of Schedule 2 (regulations) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Road Traffic Offenders (Northern Ireland) Order 1996

16.—(1) Amend Article 9 of the Road Traffic Offenders (Northern Ireland) Order 1996(**16**) (power to join in indictment counts for certain summary offences) as follows.

(2) In paragraph (6) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Licensing (Northern Ireland) Order 1996

17. In Article 84(b) of the Licensing (Northern Ireland) Order 1996(**17**) (exemptions and savings) after “the authority of” insert “the Department of Justice,”.

Criminal Justice (Northern Ireland) Order 1996

18.—(1) Amend the Criminal Justice (Northern Ireland) Order 1996(**18**) as follows.

(2) In Article 57 (rules and orders) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Criminal Justice (Children) (Northern Ireland) Order 1998

19.—(1) Amend the Criminal Justice (Children) (Northern Ireland) Order 1998(**19**) as follows.

(16) S.I. 1996/1320 (N.I. 10).

(17) S.I. 1996/3158 (N.I. 22).

(18) S.I. 1996/3160 (N.I. 24). Article 57 was amended by S.I. 2003/1247 (N.I. 13).

(19) S.I. 1998/1504 (N.I. 9). Articles 3A to 3C were inserted by section 57 of the Justice (Northern Ireland) Act 2002 (c. 26). Articles 33A to 33E were inserted by section 59 of that Act. Articles 36A to 36D were inserted by section 54 of that Act. Articles 36E to 36I were inserted by section 55 of that Act. Articles 36J to 36L were inserted by section 60 of that Act. Other amendments have been made to the Order which are not relevant to this Schedule.

(2) In Article 3B(3) (youth conference rules) for the words from “annulment” to “such rules” substitute “negative resolution”.

(3) In Article 3C(9) (youth conference plans) for the words from “annulment” to “such rules” substitute “negative resolution”.

(4) In Article 33A(11) (court-ordered youth conferences) for the words from “annulment” to “such an order” substitute “negative resolution”.

(5) In Article 36C(7) (requirements of reparation orders) for the words from “annulment” to “such rules” substitute “negative resolution”.

(6) In Article 36E(10) (community responsibility orders) for the words from “annulment” to “such an order” substitute “negative resolution”.

(7) In Article 36H(3) (rules relating to community responsibility orders) for the words from “annulment” to “such rules” substitute “negative resolution”.

(8) In Article 36L(3) (monitoring compliance with youth conference orders) for the words from “annulment” to “such rules” substitute “negative resolution”.

(9) In Article 40(5) (supervision under a juvenile justice centre order) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Criminal Justice (Northern Ireland) Order 1998

20. In Article 8(7) of the Criminal Justice (Northern Ireland) Order 1998(**20**) (drug treatment and testing orders) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Criminal Evidence (Northern Ireland) Order 1999

21.—(1) Amend the Criminal Evidence (Northern Ireland) Order 1999(**21**) as follows.

(2) In Article 38(1) (orders) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Criminal Injuries Compensation (Northern Ireland) Order 2002

22.—(1) Amend the Criminal Injuries Compensation (Northern Ireland) Order 2002(**22**) as follows.

(2) In Article 3 (duty to make arrangements for payment of compensation etc)—

(a) in paragraph (1) for the words from “Secretary” to “Parliament” substitute “Department of Justice shall make arrangements for the payment by it”;

(b) in paragraph (7) for “each House of Parliament” substitute “the Assembly”.

(3) In Article 8 (reports, accounts and financial records)—

(a) in paragraph (3) for “each House of Parliament” substitute “the Assembly”;

(b) in paragraph (5) after “General” insert “for Northern Ireland”;

(c) in paragraph (6)—

(i) after “General” insert “for Northern Ireland”;

(ii) in sub-paragraph (b) for “each House of Parliament” substitute “the Assembly”.

(20) S.I. 1998/2839 (N.I. 20).

(21) S.I. 1999/2789 (N.I. 8).

(22) S.I. 2002/796 (N.I. 1).

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

(4) Nothing in this Order affects the application of Article 8(4) to (6) of the 2002 Order, or any provision included in the Northern Ireland Criminal Injuries Compensation Scheme by virtue of Article 8(4), in relation to any financial year ending before the coming into force of this Order.

(5) In Article 9 (approval of the Northern Ireland Criminal Injuries Compensation Scheme)—

- (a) in paragraph (1) for “Parliament” substitute “the Assembly”;
- (b) in paragraph (2) for “each House” substitute “the Assembly”.

(6) In Article 10 (alterations to the Scheme)—

- (a) in paragraphs (1), (2), (3) and (4)(b) for “Parliament” substitute “the Assembly”;
- (b) in paragraph (2) for “each House” substitute “the Assembly”;
- (c) in paragraph (4)—
 - (i) for “either House of Parliament” substitute “the Assembly”;
 - (ii) for “that House” substitute “the Assembly”;
 - (iii) for “period of 40 days beginning with”, where it first occurs, substitute “statutory period next after”;
 - (iv) in sub-paragraph (b) for “period of 40 days” substitute “statutory period”;
- (d) omit paragraph (5).

(7) Omit Article 13(4) (financial provisions).

Criminal Justice (Northern Ireland) Order 2003

23.—(1) Amend the Criminal Justice (Northern Ireland) Order 2003(**23**) as follows.

(2) In Article 17(1) (regulations) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Criminal Justice (Northern Ireland) Order 2004

24.—(1) Amend the Criminal Justice (Northern Ireland) Order 2004(**24**) as follows.

(2) In Article 34(2) (orders) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Criminal Justice (Evidence) (Northern Ireland) Order 2004

25.—(1) Amend the Criminal Justice (Evidence) (Northern Ireland) Order 2004(**25**) as follows.

(2) In Article 45(2) (orders) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Anti-social Behaviour (Northern Ireland) Order 2004

26.—(1) Amend the Anti-social Behaviour (Northern Ireland) Order 2004(**26**) as follows.

(2) In Article 2(4C) (interpretation) for the words from “annulment” to “accordingly” substitute “negative resolution”.

(23) S.I. 2003/1247 (N.I. 13).

(24) S.I. 2004/1500 (N.I. 9).

(25) S.I. 2004/1501 (N.I. 10).

(26) S.I. 2004/1988 (N.I. 12). Article 2(4A) to (4C) was inserted by S.I. 2005/1965 (N.I. 15).

Criminal Justice (Northern Ireland) Order 2005

27.—(1) Amend the Criminal Justice (Northern Ireland) Order 2005(**27**) as follows.

(2) In Article 25(7) (information for victims of crime) for the words from “each” to “accordingly” substitute “the Assembly, be subject to negative resolution”.

Road Traffic (Northern Ireland) Order 2007

28.—(1) Amend the Road Traffic (Northern Ireland) Order 2007(**28**) as follows.

(2) In Article 80(5) (funding for automatic number plate recognition) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Sexual Offences (Northern Ireland) Order 2008

29.—(1) Amend the Sexual Offences (Northern Ireland) Order 2008(**29**) as follows.

(2) In Article 80 (orders)—

- (a) omit paragraph (1);
- (b) for paragraph (2) substitute—

“(2) Orders under this Order (except an order under Article 1(3)) shall be subject to negative resolution.”

(27) S.I. 2005/1965 (N.I. 15).

(28) S.I. 2007/916 (N.I.10).

(29) S.I. 2008/1769 (N.I. 2).