

## SCHEDULE 2

Article 2

### SAVING PROVISIONS

#### **Savings for offences committed before 1 April 2009**

1.—(1) The coming into operation of the provisions of the 2008 Order mentioned in subparagraph (2) is of no effect in relation to an offence committed before 1 April 2009.

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

- (a) Articles 5, 6, 7, 9 to 11, and 23;
- (b) In Schedule 5, paragraph 4(1) and paragraphs 7 (8) and (9);
- (c) In Schedule 6 (Repeals) the entries in respect of;
  - (i) Articles 18 to 22 and 24 to 26 of the 1996 Order
  - (ii) the Criminal Justice (Children) (Northern Ireland) Order 1998
  - (iii) the Justice (Northern Ireland) Act 2002 in so far as it repeals Schedule 11, paragraph 12
  - (iv) the Criminal Justice Act 2003
  - (v) the Criminal Justice (Northern Ireland) Order 2003
  - (vi) the Firearms (Northern Ireland) Order 2004
  - (vii) the Criminal Justice (Northern Ireland) Order 2005.

#### **Savings for sentences of less than 12 months**

2.—(1) The coming into operation of Article 8 of the 2008 Order is of no effect in relation to a custodial sentence of less than 12 months (whether or not such a sentence is concurrent with or consecutive to another sentence).

(2) The coming into operation of Article 17 of the 2008 Order is of no effect in relation to a prisoner serving a custodial sentence of less than 12 months (whether or not such a sentence is concurrent with or consecutive to another sentence).

(3) The coming into operation of paragraph 4(1) of Schedule 5 to the 2008 Order is of no effect in relation to a prisoner serving a custodial sentence of less than 12 months (whether or not such a sentence is concurrent with or consecutive to another sentence).

(4) The coming into operation of the repeal of Article 26 of the 1996 Order is of no effect in relation to an offender who receives a custodial sentence of less than 12 months (whether or not such a sentence is concurrent with or consecutive to another sentence).

(5) In this paragraph “custodial sentence” means a sentence of imprisonment or of detention in a young offenders centre.

#### **Concurrent and consecutive terms - savings for Articles 32 and 33**

3. The coming into operation of Articles 32(1), (2) and (4) and 33(1), (2), (3) and (6) of the 2008 Order is of no effect—

- (a) in relation to a determinate custodial sentence, other than an extended custodial sentence, passed in respect of an offence committed before 1 April 2009 whether or not that sentence is consecutive to, or concurrent with, a custodial sentence passed after that date; or
- (b) in relation to a determinate custodial sentence of less than 12 months, whether or not that sentence is consecutive to, or concurrent with, a custodial sentence of 12 months or more.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## **Interpretation**

4. For the purposes of this Schedule, where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken to have been committed on the last of those days.