

2005 No. 281 (C. 21)

JUSTICE

**The Justice (Northern Ireland) Act 2002 (Commencement
No. 9 and Transitional Provisions) Order 2005**

Made - - - - - *24th May 2005*

The Secretary of State, in exercise of the powers conferred upon him by sections 87 and 89(1) of the Justice (Northern Ireland) Act 2002(a), hereby makes the following Order:

1.—(1) This Order may be cited as the Justice (Northern Ireland) Act 2002 (Commencement No. 9 and Transitional Provisions) Order 2005.

(2) In this Order “the Act” means the Justice (Northern Ireland) Act 2002.

2.—(1) The provisions of the Act specified in Schedule 1 to this Order shall come into force on 13th June 2005.

(2) Until section 41(2) of the Act is brought into force, references to the Director and to his deputy in Article 7 of the Prosecution of Offences (Northern Ireland) Order 1972(b) are to be read respectively as references to the Director of Public Prosecutions for Northern Ireland and to the Deputy Director of Public Prosecutions for Northern Ireland established by section 29(2) of the Act.

3.—(1) Subject to paragraphs (2) and (3), the provisions of the Act specified in Schedule 2 to this Order shall come into force on 15th June 2005.

(2) Section 5(2) to (9) of the Act shall come into force in relation to the appointment of lay magistrates on 10th December 2005.

(3) Section 5(2) to (9) of the Act shall not apply to an appointment to any listed judicial office other than lay magistrates or a recommendation for such appointment, where the position was advertised before 15th June 2005.

4. Section 39 (reports by Director) of the Act shall come into force on 1st September 2005.

5. Section 38 (equality and non-discrimination) of the Act shall come into force on 1st June 2006.

Northern Ireland Office
24th May 2005

Peter Hain
One of Her Majesty’s Principal Secretaries of State

(a) 2002 c. 26.
(b) S.I. 1972/538 (N.I. 1).

SCHEDULE 1

Article 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 13th JUNE 2005

1. Section 29 (Public Prosecution Service).
2. Section 30(1) to (10) (Director of Public Prosecutions).
3. Section 31 (conduct of prosecutions).
4. Section 32 (discontinuance of proceedings before court appearance).
5. Section 34 (police complaints).
6. Section 35 (information for Director).
7. Section 36 (exercise of functions by and on behalf of Service).
8. Section 37 (code for Prosecutors).
9. Section 40 (superintendence and removal of Director).
10. Section 44 (interpretation).
11. Section 85(1) (minor and consequential amendments) to the extent necessary to bring into force the provisions of Schedule 12 (minor and consequential amendments) specified in this Schedule.
12. Section 86 (repeals and revocations) to the extent necessary to bring into force the provisions of Schedule 13 (repeals and revocations) specified in this Schedule.
13. In Schedule 12 (minor and consequential amendments) –
 - (a) paragraph 1;
 - (b) paragraph 2;
 - (c) paragraph 6;
 - (d) paragraph 49;
 - (e) paragraph 53(1) to the extent necessary to bring into force the amendments set out in paragraph 53(3) of Schedule 12 specified in this Schedule;
 - (f) paragraph 53(3) insofar as it relates to the Director of Public Prosecutions for Northern Ireland, the Deputy Director of Public Prosecutions for Northern Ireland and the members of staff of the Public Prosecution Service for Northern Ireland; and
 - (g) paragraph 80.
14. In Schedule 13 (repeals and revocations) the entries in respect of –
 - (a) the Prosecution of Offences (Northern Ireland) Order 1972(a), insofar as it repeals Article 1, the definitions of “deputy Director” and “Director” in Article 2(2), Article 2(3) and Articles 3 to 6 and 8 to 10;
 - (b) section 34 of the Northern Ireland Constitution Act 1973(b);
 - (c) the Criminal Justice (Northern Ireland) Order 1980(c);
 - (d) paragraph 5(2) of Schedule 1 to the Criminal Justice Act 1987(d); and
 - (e) the Police (Northern Ireland) Act 1998(e).

SCHEDULE 2

Article 3

PROVISIONS OF THE ACT COMING INTO FORCE ON 15th JUNE 2005

1. Section 2 (appointment and removal of the judiciary: introductory).
2. Section 3 (Judicial Appointments Commission).
3. Section 5(2) to (9) (appointment to listed judicial offices).

(a) S.I. 1972/538 (N.I. 1).
(b) 1973 c. 36.
(c) S.I. 1980/704 (N.I. 6).
(d) 1987 c. 38.
(e) 1998 c. 32.

4. Section 86 (repeals and revocations) to the extent necessary to bring into force the provisions of Schedule 13 (repeals and revocations) specified in this Schedule.
5. Schedule 1 (listed judicial offices).
6. Schedule 2 (Judicial Appointments Commission).
7. In Schedule 13 (repeals and revocations), in the entry in respect of the Judicature (Northern Ireland) Act 1978^(a) the repeal of Schedule 5 to the extent that it relates to section 178 of and paragraphs 1(1), (2), (3) and (4), 3(2), and 6 of Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968^(b).

^(a) 1978 c. 23.

^(b) 1968 c. 34 (N.I.).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 13th June 2005 the provisions of the Justice (Northern Ireland) Act 2002 (“the Act”) specified in Schedule 1. Article 2(2) of this Order contains transitional provisions in relation to consents to prosecutions. This Order brings into force on 15th June 2005 the provisions of the Act specified in Schedule 2. Article 3(2) and (3) of this Order contain transitional provisions in relation to the establishment of the Northern Ireland Judicial Appointments Commission. This Order brings into force section 39 of the Act on 1st September 2005. This Order brings into force section 38 of the Act on 1st June 2006.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Section 9(1) to (3), (7) to (11) and (13) (lay magistrates)	1.9.2004	2004 No. 301 (C. 11)
Section 9(12) (lay magistrates: exercise of functions by Lord Chief Justice, Lord Justices of Appeal, judges of the High Court and county court judges)	1.4.2005	2005 No. 109 (C. 9)
Section 10(1) to (5) and (7) (transfer of functions of justices of the peace)		
Section 10(6) (partially)		
Section 11 (transfers of functions of lay panellists)		
Section 9(4), (5), (6) and (14) (lay magistrates)	15.10.2002	2002 No. 319 (C. 27)
Section 17 (secretaries to the Lord Chief Justice)		
Section 18(1) to (9) (qualification for appointment)		
Section 19 (judicial oath or affirmation)		
Section 21 (judicial pensions: pension sharing)		
Section 45 (Chief Inspector of Criminal Justice)	26.5.2003	2003 No. 265 (C.19)
Section 46(1) to (5) (functions of Chief Inspector)	18.12.2003	2003 No. 488 (C. 37)
Section 46(6) and (7) (functions of Chief Inspector)	15.10.2002	2002 No. 319 (C. 27)
Section 47 (further provisions about functions)	26.5.2003	2003 No. 265 (C. 19)
Section 48 (powers of inspectors) Section 49 (reports)	18.12.2003	2003 No. 488 (C. 37)
Section 53(1) to (5) (aims of youth justice system)	1.12.2003	2003 No. 488 (C. 37)
Section 54 (reparation orders)		

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Section 55 (community responsibility orders)		
Sections 57 to 62 (youth conferences and other provisions under Part 4 (youth justice))		
Section 66 (display of Royal Arms at courts)	6.1.2003	2002 No. 405 (C. 33)
Section 68 to 70 (victims of crime)	26.5.2003	2003 No. 265 (C. 19)
Section 71 (community safety strategy)	18.12.2003	2003 No. 488 (C. 37)
Section 74 (appeals in small claims cases)	19.4.2004	2003 No. 416 (C. 31)
Section 75 (time limit for cases stated by county court)		
Section 77 (proceedings before coroner)	1.11.2003	2003 No. 416 (C. 31)
Sections 79 to 81 (court security)	15.10.2002	2002 No. 319 (C. 27)
Section 85(1) (partially) (minor and consequential amendments)	15.10.2002, 1.11.2003, 1.12.2003, 1.9.2004 and 1.1.2005	2002 No. 319 (C. 27), 2003 No. 416 (C. 31), 2003 No. 488 (C.37), 2004 No. 301 (C. 11) and 2004 No. 502 (C.29)
Section 85(2) (power to make amendments as a consequence of Part 4)	1.12.2003	2003 No. 488 (C. 37)
Section 86 (partially) (repeals and revocations)	15.10.2002, 1.10.2003, 1.12.2003 and 1.4.2005	2002 No. 319 (C. 27), 2003 No. 416 (C. 31), 2003 No. 488 (C.37) and 2005 No. 109 (C. 9)
Schedule 4 paragraphs 1 to 13, 15 to 16, 17(1), (3) and (4), and 18 to 40 (functions of justices of the peace)	1.4.2005	2005 No. 109 (C. 9)
Schedule 6 (office-holders required to take judicial oath)	15.10.2002	2002 No. 319 (C. 27)
Schedule 8 (Chief Inspector of Criminal Justice)	26.5.2003	2003 No. 265 (C. 19)
Schedule 10 (youth justice orders: enforcement etc.)	1.12.2003	2003 No. 488 (C. 37)
Schedule 12 (partially) (minor and consequential amendments)	15.10.2002, 1.11.2003, 1.12.2003, 1.9.2004 and 1.1.2005	2002 No. 319 (C. 27), 2003 No. 416 (C. 31), 2003 No. 488 (C. 37), 2004 No. 301 (C. 11) and 2004 No. 502 (C. 29)
Schedule 13 (partially) (repeals and revocations)	15.10.2002, 1.10.2003, 1.12.2003 and 1.4.2005	2002 No. 319 (C. 27), 2003 No. 416 (C. 31), 2003 No. 488 (C. 37) and 2005 No. 109 (C. 9)

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