

2016 No. 387 (C. 29)

JUSTICE

The Justice (2015 Act) (Commencement No. 7 and Saving Provisions) Order (Northern Ireland) 2016

Made - - - - *24th October 2016*

The Department of Justice, in exercise of the powers conferred by sections 102(8) and 106(2) of the Justice Act (Northern Ireland) 2015(a), makes the following Order.

Citation

1. This Order may be cited as the Justice (2015 Act) (Commencement No. 7 and Saving Provisions) Order (Northern Ireland) 2016.

Provisions coming into operation on 31st October 2016

2. The day appointed for the coming into operation of the following provisions of the Justice Act (Northern Ireland) 2015 is 31st October 2016—

- (a) section 1 (single jurisdiction: abolition of county court divisions and petty sessions districts);
- (b) section 2 (administrative court divisions);
- (c) section 3 (directions as to distribution of business);
- (d) section 4 (lay magistrates);
- (e) section 5 (justices of the peace);
- (f) section 6(1) (consequential amendments);
- (g) section 53 (live links: witnesses outside the United Kingdom);
- (h) section 92 (case management regulations) ;
- (i) section 104 (transitional provisions etc.) to the extent necessary to bring into operation the provisions specified in paragraph (l);
- (j) section 105 (repeals) to the extent necessary to bring into operation the repeals specified in paragraph (m);
- (k) Schedule 1 (amendments: single jurisdiction);
- (l) in Schedule 8 (transitional provisions and savings)—
 - (i) paragraph 1 (Part 1: saving for jurisdiction conferred by other statutory provisions);
 - (ii) paragraph 2 (Part 1: lay magistrates); and
 - (iii) paragraph 3 (Part 1: justices of the peace); and
- (m) in Schedule 9 (repeals), Part 1 (single jurisdiction).

Saving provisions

3.—(1) Any judgment, order, summons, warrant, direction or other act of a county court acting for a county court division or of a magistrates' court acting for a county court division or for a petty sessions district before 31st October 2016 is to have the same effect on and after that date as if it had been a judgment, order, summons, warrant, direction or other act of any county court or magistrates' court in Northern Ireland.

(2) Any application, proceeding or other business of whatsoever nature pending or commenced in a county court for a county court division or in a civil partnership proceedings county court or a divorce county court before 31st October 2016 may continue to be dealt with in a county court sitting at the same venue as that where the business would previously have been dealt with.

(3) Any application, proceeding or other business of whatsoever nature pending or commenced in a court of summary jurisdiction for a county court division or for a petty sessions district before 31st October 2016 may continue to be dealt with by a court of summary jurisdiction sitting at the same venue as that where business would previously have been dealt with.

(4) Paragraphs (2) and (3) shall not operate so as to prevent any application to transfer or the transfer of any application, proceeding or other business of whatsoever nature in accordance with directions issued by the Lord Chief Justice under section 3 of the Justice Act (Northern Ireland) 2015.

(5) The Jurors List and Divisional Jurors Lists prepared under Article 4 of the Juries (Northern Ireland) Order 1996(a) in place immediately before 31st October 2016 may continue to be used for the purpose of empanelling jurors in accordance with Article 5 of that Order as if the single jurisdiction provisions had not come into operation.

(6) In this Article, "the single jurisdiction provisions" means the provisions commenced by Article 2(a) to (f) and (i) to (m).

Sealed with the Official Seal of the Department of Justice on 24th October 2016



Claire Sugden
Minister of Justice

(a) S.I 1996/1141 (N.I. 6)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings the provisions of the Justice Act (Northern Ireland) 2015 (c.9 (N.I.)) (“the Act”) specified in Article 2 into operation on 31st October 2016.

Sections 1 to 6 make provision in relation to the establishment of a single jurisdiction for the county courts and magistrates’ courts.

The provisions in section 53 enable witnesses to give evidence from outside the United Kingdom to a magistrates’ court in Northern Ireland in certain proceedings by way of live television link to the courtroom.

The provisions in section 92 are enabling powers to allow secondary legislation to be prepared to create a statutory framework for the management of cases. Through regulation, the Department of Justice will be able to impose duties on the prosecution, defence, and the court, which set out what must be completed prior to the commencement of court stages.

The Order also makes saving provision in relation to the establishment of a single jurisdiction.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provision	Date of Commencement	S.R. No.
Sections 28, 29 and 31 to 35	1st September 2015	2015 No 320 (C.26)
Sections 65(2)(h) and 69(1)	1st September 2015	2015 No 324 (C.27)
Sections 6(2) and (3) and 95	30th September 2015	2015 No 324 (C.27)
Section 37 (partially), sections 38 to 40, sections 44 to 47, section 66 (partially), section 67 (partially), section 69 (so far as not already in operation), and Schedule 5 (partially)	2nd November 2015	2015 No 358 (C.30)
Sections 94 and 96	29th January 2016	2015 No 418 (C.36)
Section 41 and Schedule 4	1st March 2016	2015 No 418 (C.36)
Section 48 and Schedule 6	14th March 2016	2016 No 136 (C.8)
Sections 88 and 93	1st April 2016	2016 No 136 (C.8)
Section 49, section 51 section 54, section 105 (partially) and Schedule 9 (partially)	29th April 2016	2016 No 136 (C.8)
Sections 77 to 81	1st July 2016	2016 No 247 (C.19)

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