

SCHEDULES

SCHEDULE 18

Amendments relating to Article 15(1) to (4) etc

PART 1

Acts of the Parliament of the United Kingdom

Criminal Justice and Immigration Act 2008

94. In section 147 (orders, rules and regulations)—

(a) after subsection (1) insert—

“(1A) Orders made by the Department of Justice in Northern Ireland under this Act are to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(1).”;

(b) in subsection (2) for “such orders or regulations” substitute “orders or regulations falling within subsection (1) or (1A)”;

(c) in subsection (5)(d) omit “, 83(4)”;

(d) after subsection (5) insert—

“(5A) Subject to subsection (5B), orders made by the Department of Justice in Northern Ireland under this Act are subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(2)).

(5B) Subsection (5A) does not apply to an order made by the Department of Justice containing (whether alone or with other provision) provision under section 83(4) or 91(3) which amends or repeals any provision of an Act; and no such order may be made by the Department unless a draft of it has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(5C) Section 41(3) of the Interpretation Act (Northern Ireland) 1954(3) applies for the purposes of subsection (5B) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.”

Commencement Information

II Sch. 18 para. 94 in force at 12.4.2010, see [art. 1\(2\)](#)

(1) [S.I. 1979/1573 \(N.I. 12\)](#).

(2) [1954 c. 33 \(N.I.\)](#). Section 41(6) was amended by [S.I. 1999/663](#).

(3) Section 41(3) was substituted by [S.I. 1999/663](#).

Changes to legislation:

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Paragraph 94.