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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 40**

**CRIMINAL PROCEDURE**

**The Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 1996**

*Made - - - - 14th February 1996*

*To be laid before Parliament*

*Coming into operation 8th April 1996*

The Secretary of State, in exercise of the powers conferred on him by section 35(4) of the Criminal Justice Act 1988<sup>(1)</sup>, hereby makes the following Order:—

**Citation and commencement**

1. This Order may be cited as the Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 1996 and shall come into operation on 8th April 1996.

**Reviews of sentencing**

2. Part IV of the Criminal Justice Act 1988 (reviews of sentencing) shall apply—

- (a) to any case in which sentence is passed on a person for any of the following offences—
  - (i) offences under section 16 of the Offences Against the Person Act 1861<sup>(2)</sup> (threats to kill);
  - (ii) offences under section 52 of the Offences Against the Person Act 1861 (indecent assault upon a female);
  - (iii) offences of indecent assault on a male person under section 62 of the Offences Against the Person Act 1861;
  - (iv) offences under section 20 of the Children and Young Persons Act (Northern Ireland) 1968<sup>(3)</sup> (cruelty to persons under sixteen);
  - (v) attempting to commit, or inciting the commission of, any of the offences described above;
- (b) to any case tried on indictment—

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<sup>(1)</sup> 1988 c. 33; section 35 was amended by paragraph 34 of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c. 33)

<sup>(2)</sup> 1861 c. 100

<sup>(3)</sup> 1968 c. 34 (N.I.)

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*Status: This is the original version (as it was originally made).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

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- (i) following a notice of transfer given under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988<sup>(4)</sup> by an authority designated for that purpose by paragraph (2) of that Article; or
- (ii) in which one or more counts in respect of which sentence is passed relates to a charge which was dismissed under Article 5(1) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 and on which further proceedings were brought by means of the presentment of an indictment such as is specified in paragraph (c), (d), (e) or (f) of section 2(2) of the Grand Jury (Abolition) Act (Northern Ireland) 1969<sup>(5)</sup>.

Northern Ireland Office  
14th February 1996

*P. B. B. Mayhew*  
One of Her Majesty's Principal Secretaries of  
State

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<sup>(4)</sup> S.I.1988/1846 (N.I. 16)  
<sup>(5)</sup> 1969 c. 15 (N.I.)

## **EXPLANATORY NOTE**

*(This note is not part of the Order.)*

Part IV of the Criminal Justice Act 1988 allows the Attorney General to refer certain cases to the Court of Appeal, with the leave of that Court, where he considers that a sentence imposed in the Crown Court was unduly lenient.

This Order extends the range of offences in respect of which that power may be exercised (at present offences triable only on indictment) to certain offences triable both summarily and on indictment; and also extends the range to include fraud cases which are tried in the Crown Court following the notice of transfer procedure established by Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988.