

2003 No. 307 (C. 21)

CRIMINAL PROCEDURE

**The Criminal Justice (2003 Order) (Commencement No. 1)
Order (Northern Ireland) 2003**

Made - - - - - *3rd June 2003*

In exercise of the powers conferred on me by Article 1(3) of the Criminal Justice (Northern Ireland) Order 2003^(a), I hereby make the following Order:

Citation

1. This Order may be cited as the Criminal Justice (2003 Order) (Commencement No. 1) Order (Northern Ireland) 2003.

Appointed day

2. The day appointed for the coming into operation of the following provisions of the Criminal Justice (Northern Ireland) Order 2003 is 13th June 2003:

- (a) Articles 3 to 6;
- (b) Articles 28 to 30;
- (c) Article 36(1) to the extent that it gives effect to the amendment mentioned in sub-paragraph (d);
- (d) paragraph 3 of Schedule 1;
- (e) Article 36(2) to the extent that it gives effect to the repeals mentioned in sub-paragraph (f); and
- (f) in Schedule 2, the repeal of words in –
 - (i) Article 18(1)(a) of the Public Order (Northern Ireland) Order 1987^(b); and
 - (ii) section 5(4) of the Backing of Warrants (Republic of Ireland) Act 1965^(c)

Northern Ireland Office
3rd June 2003

Paul Murphy
One of Her Majesty's Principal Secretaries of State

(a) S.I. 2003/1247 (N.I. 13)
(b) S.I. 1987/463 (N.I. 7)
(c) 1965 c. 45

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order brings into operation on 13th June 2003 certain of the provisions of the Criminal Justice (Northern Ireland) Order 2003 (“the parent Order”) which relate to bail and to the offence of riotous behaviour.

Article 3 of the parent Order provides the definition of “bail” used in Part II of that Order.

Article 4 places a statutory duty on a person released on bail to surrender to the custody of a court or the police.

Article 5 makes it a criminal offence to breach, without reasonable cause, the duty created by Article 4. The maximum penalty for that offence, which is triable summarily, is a level 5 fine (£5,000) and/or three months’ imprisonment.

Article 6 provides for the arrest of a person on bail who fails to surrender to custody as required or who breaches, or is likely to breach, any of the conditions on which his bail was granted.

Article 28 increases the maximum term of imprisonment for the offence of riotous behaviour from six months to twelve months.

Article 29 adds riotous behaviour to the list of summary offences for which a maximum sentence of over six months’ imprisonment is available and in respect of which an accused person may not elect to be tried by a jury.

Article 30 adds riotous behaviour to the list of offences in respect of which a suspect may be arrested without warrant.

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