

2005 No. 391 (C. 30)

JUSTICE

**The Justice (Northern Ireland) Act 2002
(Commencement No. 10) Order 2005**

Made - - - - - *3rd August 2005*

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

- 1.** This Order may be cited as the Justice (Northern Ireland) Act 2002 (Commencement No. 10) Order 2005.
- 2.** The provisions of the Justice (Northern Ireland) Act 2002 specified in the Schedule to this Order shall come into force on 30th August 2005.

Northern Ireland Office
3rd August 2005

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

^(a) 2002 c. 26.

PROVISIONS OF THE JUSTICE (NORTHERN IRELAND) ACT 2002 COMING INTO
FORCE ON 30TH AUGUST 2005

1. Section 1 (guarantee of continued judicial independence).
2. Section 53(6) (aims of youth justice system: meaning of “children”).
3. Section 63(1) (extension of youth justice system to 17 year olds: commencement of Schedule 11) to the extent necessary to bring into force the provisions of Schedule 11 specified in paragraph 8.
4. Section 63(2) (extension of youth justice system to 17 year olds: order making power).
5. Section 64 (juvenile justice centre orders for 17 year olds).
6. Section 85(1) (minor and consequential amendments) to the extent necessary to bring into force the provisions of Schedule 12 specified in paragraph 9.
7. Section 86 (repeals and revocations) to the extent necessary to bring into force the provisions of Schedule 13 specified in paragraph 10.
8. In Schedule 11 (extension of youth justice system to 17 year olds) paragraphs 1, 3, 4 and 6 to 24.
9. In Schedule 12 (minor and consequential amendments)—
 - (a) paragraph 27(a) insofar as it inserts a definition of “child” into Article 39 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(a);
 - (b) paragraph 60 insofar as it substitutes new section 4(1)(c) of the Sex Offenders Act 1997(b);
 - (c) paragraph 69(3) and paragraph 69(1) insofar as it relates to it;
 - (d) paragraph 72 except sub-paragraph (a); and
 - (e) paragraph 73(2)(c) and (3), and paragraph 73(1) insofar as it relates to it.
10. In Schedule 13 (repeals and revocations), the entry in respect of Article 54(3)(b) of the Criminal Justice (Children) (Northern Ireland) Order 1998(c).

(a) S.I. 1981/228 (N.I. 8).
(b) 1997 c. 51.
(c) S.I. 1998/1504 (N.I. 9).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 30th August 2005 the provisions of the Justice (Northern Ireland) Act 2002 specified in the Schedule.

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 2 (appointment and removal of judiciary: introductory) Section 3 (Judicial Appointments Commission) Section 5(2) to (9) (appointment to listed judicial offices)	15.6.2005	2005 No. 281 (C. 21)
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) Section 10(1) to (5) and (7) (transfer of functions of justices of the peace) Section 10(6) (partially) Section 11 (transfer of functions of lay panellists)	1.4.2005	2005 No. 109 (C. 9)
Section 9(4), (5), (6) and (14) (lay magistrates) Section 17 (secretaries to Lord Chief Justice) Section 18(1) to (9) (qualification for appointment) Section 19 (judicial oath or affirmation) Section 21 (judicial pensions: pension sharing)	15.10.2002	2002 No. 319 (C. 27)
Section 29 (Public Prosecution Service) Section 30(1) to (10) (Director of Public Prosecutions) Section 31 (conduct of prosecutions)	13.6.2005	2005 No. 281 (C. 21)
Section 31A (conduct of extradition proceedings) as inserted by section 192(6) of the Extradition Act 2003(a).	Section 192(6) was commenced on 1.1.2004 by S.I. 2003/3103 (C. 122)	

(a) 2003 c. 41.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Section 32 (discontinuance of proceedings before court appearance) Section 34 (police complaints) Section 35 (information for Director) Section 36 (exercise of functions by and on behalf of Service) Section 37 (code for Prosecutors)	13.6.2005	2005 No. 281 (C. 21)
Section 38 (equality and non-discrimination)	1.6.2006	2005 No. 281 (C. 21)
Section 39 (reports by Director)	1.9.2005	2005 No. 281 (C. 21)
Section 40 (superintendence and removal of Director) Section 44 (interpretation)	13.6.2005	2005 No. 281 (C. 21)
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) Section 54 (reparation orders) Section 55 (community responsibility orders) Sections 57 to 62 (youth conferences and other provisions under Part 4 (youth justice))	1.12.2003	2003 No. 488 (C. 37)
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) Section 75 (time limit for cases stated by county court)	19.4.2004	2003 No. 416 (C. 31)
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)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Section 85(1) (partially) (minor and consequential amendments)	15.10.2002, 1.11.2003, 1.12.2003, 1.9.2004, 1.1.2005 and 13.6.2005	2002 No. 319 (C. 27), 2003 No. 416 (C. 31), 2003 No. 488 (C. 37), 2004 No. 301 (C. 11), 2004 No. 502 (C. 29) and 2005 No. 281 (C. 21)
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, 1.4.2005, 13.6.2005 and 15.6.2005	2002 No. 319 (C. 27), 2003 No. 416 (C. 31), 2003 No. 488 (C. 37), 2005 No. 109 (C. 9) and 2005 No. 281 (C. 21)
Schedule 1 (listed judicial offices) Schedule 2 (Judicial Appointments Commission)	15.6.2005	2005 No. 281 (C. 21)
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, 1.1.2005 and 13.6.2005	2002 No. 319 (C. 27), 2003 No. 416 (C. 31), 2003 No. 488 (C. 37), 2004 No. 301 (C. 11), 2004 No. 502 (C. 29) and 2005 No. 281 (C. 21)
Schedule 13 (partially) (repeals and revocations)	15.10.2002, 1.10.2003, 1.12.2003, 1.4.2005, 13.6.2005 and 15.6.2005	2002 No. 319 (C. 27), 2003 No. 416 (C. 31), 2003 No. 488 (C. 37), 2005 No. 109 (C. 9) and 2005 No. 281 (C. 21)

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