

2006 No. 368 (C. 21)

CRIMINAL PROCEDURE

**The Criminal Justice (2005 Order) (Commencement No. 2)
Order (Northern Ireland) 2006**

Made - - - - *13th September 2006*

The Secretary of State makes the following Order in exercise of the powers conferred by Article 1(2) of the Criminal Justice (Northern Ireland) Order 2005^(a).

Citation

1. This Order may be cited as the Criminal Justice (2005 Order) (Commencement No. 2) Order (Northern Ireland) 2006.

Appointed day

2. The day appointed for the coming into operation of the following provisions of the Criminal Justice (Northern Ireland) Order 2005 is 18 September 2006:

- (a) Articles 2 to 8;
- (b) Article 24;
- (c) Article 27 to the extent that it gives effect to the repeals specified in paragraph (d); and
- (d) Schedule 2 to the extent that it repeals provisions of the Anti-social Behaviour (Northern Ireland) Order 2004^(b).

Northern Ireland Office
13th September 2006

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

^(a) S.I. 2005/1965 (N.I. 15)
^(b) S.I. 2004/1988 (N.I. 12)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 18 September 2006 the following provisions of the Criminal Justice (Northern Ireland) Order 2005 (the parent Order).

Articles 2 to 8, which make a number of amendments to the existing law on anti-social behaviour orders (ASBOs). Article 2 enables the Secretary of State by order to designate additional relevant authorities or persons who may apply for an ASBO. Article 3 makes amendments in relation to ASBOs on conviction in criminal proceedings. Article 4 enables the court to grant an interim ASBO on conviction. Article 5 makes provision for varying or discharging ASBOs or interim ASBOs, both on conviction. Article 6 extends to ASBO proceedings the special measures available to vulnerable or intimidated witnesses giving evidence in criminal proceedings. Article 7 makes amendments in relation to breach proceedings. Article 8 ensures current availability of legal aid for ASBO proceedings is maintained under the Access to Justice (NI) Order 2003 when it is commenced.

Article 24, which amends the law relating to the giving of evidence from outside the United Kingdom through live links. It amends the provision which is inserted in the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) by Article 31 of the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13)) and which has not yet been commenced.

Article 27 insofar as it gives effect to the repeal of provisions mentioned in Schedule 2 to the parent Order relating to the Anti-social Behaviour (Northern Ireland) Order 2004.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Criminal Justice (Northern Ireland) Order 2005 were brought into operation on 19th August 2005 by the Criminal Justice (Northern Ireland) Order 2005 (Commencement No. 1) Order 2005 (S.R. 2005 No. 382 (C.29)):

Article 13 (Right to representation: loss of remission hearings);

Article 20 (Funding for speed cameras, etc); and

Article 22 (Right to representation: extradition proceedings).

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