

**2007 No. 56 (C. 4)**

**CRIMINAL PROCEDURE**

**The Criminal Justice (2003 Order) (Commencement No. 4)  
Order (Northern Ireland) 2007**

*Made* - - - -

*29th January 2007*

The Secretary of State makes the following Order in exercise of the powers conferred by Article 1(3) of the Criminal Justice (Northern Ireland) Order 2003(a).

**Citation**

1. This Order may be cited as the Criminal Justice (2003 Order) (Commencement No. 4) Order (Northern Ireland) 2007.

**Appointed day**

2. The day appointed for the coming into operation of the following provisions of the Criminal Justice (Northern Ireland) Order 2003 is 12th March 2007:

- (a) Articles 7 to 10: and
- (b) Articles 36(2) to the extent that it gives effect to the repeal mentioned in Schedule 2 to that Order of words in the Police and Criminal Evidence (Northern Ireland) Order 1989(b).

Northern Ireland Office  
29 January 2007

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

**EXPLANATORY NOTE**

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

This Order brings into operation on 12th March 2007 the following provisions of the Criminal Justice (Northern Ireland) Order 2003 ("the parent Order") referring to bail:

Article 7, which amends the criteria under which police take certain bail decisions.

Article 8, which enhances the powers and duties of the police in granting bail. In particular a police custody officer may require an applicant for bail, once he is charged, to comply with

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(a) S.I. 2003/1247(N.I.13)  
(b) S.I. 1989/1341 (N.I.12)

requirements concerning his surrender to custody, not committing other offences or obstructing justice.

Article 9, which provides a person granted police bail the statutory right to apply to a magistrates' court for the fresh grant of bail or for different bail conditions.

Article 10, which enables a magistrates' court on application by the prosecution, to reconsider the decision of a magistrates' court or a police custody officer to grant bail.

Article 36(2) insofar as it gives effect to the repeal of words in Schedule 2 to the parent Order in relation to the Police and Criminal Evidence (Northern Ireland) Order 1989.

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

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

1. The following provisions of the parent Order were brought into operation on 13th June 2003 by the Criminal Justice (2003 Order) (Commencement No. 1) Order (Northern Ireland) 2003 (S.R. 2003 No. 307 (C.21)):

Articles 3 to 6 (Bail)

Articles 28 to 30 (Riotous behaviour); and

Article 36 and Schedules 1 and 2 (*partially*) (Minor and consequential amendments and repeals).

2. The following provisions of the parent Order were brought into operation, on the dates shown, by the Criminal Justice (2003 Order) (Commencement No.2) Order (Northern Ireland) 2003 (S.R. 2003 No. 352 (C.27)):

on 28th July 2003—

Articles 18 to 23 (Sexual offences);

Article 24 (Forfeiture of recognizances);

Article 25 (Amendment of summons before it is served);

Article 26 (Non-appearance of accused: plea of guilty);

Article 27 (Period of remand);

Article 33 (Adjournment where live television links used);

Article 34 (Payment for person appointed to cross-examine witness on behalf of accused);

Article 35 (Approval of costs of prosecution of certain criminal proceedings); and

Article 36 and Schedules 1 and 2 (*partially*) (Minor and consequential amendments and repeals);

on 13th October 2003—

Article 32 (Disclosure of pre-sentence reports).

3. Article 31 (Evidence through live links) of the parent Order was brought into operation on 13th November 2006 by the Criminal Justice (2003 Order) (Commencement No.3) Order (Northern Ireland) 2006 (S.R. 2006 No. 451 (C.27)).

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