

2008 No. 293 (C. 16)

CRIMINAL LAW

**Criminal Justice (Northern Ireland) Order 2008
(Commencement No. 2) Order 2008**

Made - - - -

25th June 2008

The Secretary of State makes the following Order in exercise of the powers conferred by Articles 1(4) and 100 (4), of the Criminal Justice (Northern Ireland) Order 2008 (a):

Citation and Interpretation

1.—(1) This Order may be cited as the Criminal Justice (Northern Ireland) Order 2008 (Commencement No.2) Order 2008.

(2) In this Order:-

—“the 2008 Order” means the Criminal Justice (Northern Ireland) Order 2008.

Commencement

2. The provisions of the 2008 Order specified in the Schedule to this Order shall come into operation on 16th July 2008.

Northern Ireland Office
25th June 2008

Paul Goggins
Minister of State

(a) S.I. 2008/1216 (N.I.1)

SCHEDULE

Article 2

PROVISIONS COMING INTO OPERATION ON 16TH JULY 2008

1. Article 34 (Breach of licensing for sexual offenders).
2. Article 52 (Causing death, or grievous bodily injury, by careless or inconsiderate driving).
3. Article 53 (Causing death, or grievous bodily injury, by driving; unlicensed, disqualified or uninsured drivers).
4. Article 55 (Driving without insurance).
5. Article 56 (Driving while disqualified).
6. Article 57 (Failure to stop vehicle).
7. Article 58 (Furious driving).
8. Article 59 (Power to require specimens of breath at roadside or at hospital).
9. Article 62 (Meaning of driving without due care and attention).
10. Article 63 (Extension of offence under Article 14 of the 1995 Order).
11. Article 64 (Alternative verdict on unsuccessful manslaughter prosecution).
12. Article 73 (Removal of requirement to appoint medical officers).
13. Article 74 (Abolition of right of justice of the peace to visit prisons).
14. Article 90 (Increase of maximum sentences for offences relating to knives, weapons, etc.).
15. Article 91 (Driving disqualification for any offence).
16. Article 102(2) (Repeals) to the extent necessary to bring into operation the repeals specified in paragraph 17.
17. In Schedule 6 (Repeals) Part 3 the entries in respect of
 - (a) The Prison Act (Northern Ireland) 1953 (a) in so far as it repeals the words “medical officers” in section 2(2), and section 19,
 - (b) The Criminal Justice and Public Order Act 1994(b),
 - (c) The Justice (Northern Ireland) Act 2002(c).

(a) c.18
(b) c.33
(c) c.26

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 16 July 2008 the following provisions of the Criminal Justice (Northern Ireland) Order 2008.

Article 34 which amends the Criminal Justice (Northern Ireland) Order 1996 (N.I. 24) (“the 1996 Order”) by substituting a new Article 27. This increases the penalty for breach of a condition in a sex offender licence imposed under Article 26 of the 1996 Order. Where the Article 26 order was made in the Crown Court the breach will now be dealt with in the Crown Court and the Court may revoke the licence, or suspend it for any period less than the remainder of the licence, or impose a fine of up to £1000. Previously all breach proceedings were taken in a court of summary jurisdiction which had power to suspend the licence for a maximum of 6 months or impose a fine of up to £1000. The amendment does not apply where the breach occurred before commencement.

Article 52 which creates a new offence of causing death or grievous bodily injury by careless or inconsiderate driving with maximum penalties on summary conviction of 6 months imprisonment or a fine of £5000 or both and on indictment of 5 years imprisonment, an unlimited fine, or both. The Article also creates a number of alternative verdicts.

Article 53 which creates offences of causing death or grievous bodily injury when driving unlicensed, uninsured, or disqualified. The maximum penalties for summary convictions are 6 months imprisonment or a fine of £5000 or both, and on indictment 2 years imprisonment, an unlimited fine, or both.

Article 55 which increases the maximum penalty for driving without insurance to 6 months imprisonment or a level 5 fine or both.

Article 56 which increases the penalty for driving while disqualified. This offence may now be tried on indictment with a maximum penalty of 2 years, or a fine, or both.

Article 57 which increases the penalty for failing to stop when required by a constable from a level 3 to a level 5 fine.

Article 58 which enables courts to disqualify an offender on a conviction for furious driving and requires a licence endorsement to be imposed on such a conviction.

Article 59 which amends the Road Traffic (Northern Ireland) Order 1995 (N.I. 18) (“the 1995 Order”) to give police additional powers in connection with obtaining specimens of breath.

Article 62 which amends the 1995 Order to define driving without due care and attention.

Article 63 which enables prosecution for causing death or grievous bodily injury by careless driving while under the influence of drink or drugs where, without reasonable excuse, the offender fails to give permission to a laboratory blood test. Failure to give permission is an alternative verdict.

Article 64 which provides for alternative verdicts to an unsuccessful manslaughter prosecution.

Article 73 which amends the Prison Act (Northern Ireland) 1953 (“the 1953 Act”) to remove the requirement to appoint medical officers.

Article 74 which amends the 1953 Act to abolish the right of justices of the peace to visit prisons.

Article 90 which increases the maximum penalties for a range of offences involving knives and other offensive weapons. The offences include: offences relating to crossbows; having a knife etc in a public place or on school premises; possessing an offensive weapon; offences concerning the sale or unlawful marketing of knives; and sale of a knife to a person under 18. Maximum sentences for these offences are to be 12 months imprisonment or a £5000 fine or both on summary conviction; and 4 years imprisonment or an unlimited fine or both, on indictment.

Article 91 which provides courts with a power to disqualify an offender from driving for any offence.

Certain repeals relating to prisons are also commenced.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2008 Order have been brought into operation by a Commencement Order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R No.</i>
Articles 3,4,7 (partially) 12 to 15 and Schedules 1 and 2, 16,18, 21 (partially), 22 (partially), 24(1), (3) to 6, 7(b) and (8), 27, 28 (partially), 31, 32(1), (2)(a) and (c) and (4) (partially), 33(1) to (3) and (6)(a)(i) (partially), 46 and Schedule 4, 102(1) (partially), 102(2) (partially), Schedule 5 (partially) and Schedule 6 (partially)	15 th May 2008	S.R. 2008 No. 217 (c. 8)

© Crown Copyright 2008

Published and printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print the Acts of the Northern Ireland Assembly

Dd. N3708. C1. 7/08. Gp. 130. 14567.

£3.00