
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 224 (C. 14)

JUSTICE

**The Justice (2011 Act) (Commencement
No. 1) Order (Northern Ireland) 2011**

Made - - - - 16 June 2011

The Department of Justice, in exercise of the powers conferred by section 111(3) of the Justice Act (Northern Ireland) 2011 **(1)**, makes the following Order:

Citation and Interpretation

1.—(1) This Order may be cited as the Justice (2011 Act) (Commencement No. 1) Order (Northern Ireland) 2011.

(2) In this Order, “the 2011 Act” means the Justice Act (Northern Ireland) 2011.

Provisions coming into operation on 5th July 2011

2. The day appointed for the coming into operation of the following provisions of the 2011 Act is 5th July 2011—

- (a) sections 14 to 19 (live links);
- (b) section 54 (breach of licence conditions by sex offender);
- (c) section 56 (financial reporting orders);
- (d) sections 96 and 97 (membership of Crown Court and Court of Judicature Rules Committees);
- (e) section 98 (funds in court: investment fees or expenses);
- (f) section 99 (appeals from Crown Court: Proceeds of Crime Act 2002);
- (g) section 109 (transitional provisions and savings) to the extent necessary to bring into operation the provision specified in paragraph (i);
- (h) section 110 (minor and consequential amendments and repeals) to the extent necessary to bring into operation the provisions specified in paragraphs (j) and (k);
- (i) in Schedule 6 (transitional and saving provisions) paragraph 5;
- (j) in Schedule 7 (minor and consequential amendments) paragraph 2;

- (k) in Part 5 of Schedule 8 (repeals) the entry relating to the Judicature (Northern Ireland) Act 1978.

Provisions coming into operation on 1st August 2011

3. The day appointed for the coming into operation of the following provisions of the 2011 Act is 1st August 2011—

- (a) section 35 and Schedule 3 (regulated matches) except as they relate to Chapter 4 of Part 4 (banning orders in relation to regulated matches);
- (b) Chapter 2 of Part 4 (conduct at regulated matches);
- (c) section 40 (alcohol on vehicles travelling to regulated matches);
- (d) section 50 (enforcement) except as it relates to Chapter 4 of Part 4 (banning orders in relation to regulated matches).

Sealed with the Official Seal of the Department of Justice on 16 June 2011

(L.S.)

David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation certain provisions of the Justice Act (Northern Ireland) 2011 (c.24) (“the Act”).

The provisions of the Act set out in Article 2 come into operation on 5th July 2011.

The provisions in Part 2 of the Act, extending the use of live link directions come into operation on 5th July 2011. These provisions: extend the availability of a vulnerable accused live link direction to an accused of any age who has a physical disability or suffers from a physical disorder (this is consistent with the eligibility criteria applied to witnesses); enable live link directions to be given between certain courts and psychiatric hospitals; and make a number of technical improvements to fill gaps in existing law.

Two provisions in Part 5 of the Act, which relate to the treatment of offenders, are brought into operation on 5th July 2011. Section 54 amends Article 27 of the Criminal Justice (Northern Ireland) Order 1996 so that if a person breaches the conditions of their licence and has no known address in Northern Ireland, they can be brought before the court which made the original order. A related transitional provision in Schedule 6 (paragraph 5) is also brought into operation. Section 56 adds further offences to the list of offences in section 78(3) of the Serious Organised Crime and Police Act 2005 (2005 c.15). A court sentencing or otherwise dealing with a person convicted of any of these offences may also make a financial reporting order in respect of that person.

A number of provisions of Part 9 of the Act (miscellaneous) are also brought into operation on 5th July 2011 along with a related consequential amendment and repeal in Schedule 7 (paragraph 2) and Schedule 8 respectively. Sections 96 and 97 provide for additional members of the Crown Court and Court of Judicature Rules Committees. Section 98 gives a court a power to order the payment, from funds held in the court on behalf of minors or patients, of fees or expenses associated with the investment of those funds and to order a refund where it is in the interests of justice to do so. Section 98 gives the court a power to make payments from funds held by the courts on behalf of minors or patients to cover fees or expenses associated with the investment of those funds. Section 99 makes provision for appeals against sentences imposed by the Crown Court (following committal to the Crown Court for consideration of a confiscation order under section 218 of the Proceeds of Crime Act 2002) to be dealt with by the Court of Appeal.

The provisions of the Act set out in Article 3 come into operation on 1st August 2011.

These provisions create new offences to promote good behaviour by fans of association football, gaelic games and rugby. The offences are throwing of articles capable of causing injury, unauthorised pitch incursions, offensive chanting, possession of fireworks, flares etc., and offences in connection with alcohol on vehicles.

Section 35 and Schedule 3 set out the definitions of regulated matches and the period of a regulated match during which time the offences in sections 36 – 39 will be committed. Sections 36 – 40 deal with the new offences listed above and section 50 provides police powers to enforce these provisions.