

## SCHEDULES

### SCHEDULE 5

Section 63(2).

#### SCHEDULED OFFENCES: TRANSITIONAL PROVISIONS

- 1 In this Schedule “commencement” means the time when this Act comes into force.
- 2 (1) This Schedule applies to offences which—
- (a) were immediately before commencement specified in Part I of Schedule 1 to the Northern Ireland (Emergency Provisions) Act 1991, but
  - (b) are not immediately after commencement specified in Part I of Schedule 1 to this Act.
- (2) In relation to offences committed (or alleged to have been committed) before commencement, this Act shall apply as if offences to which this Schedule applies were specified in Part I of Schedule 1.
- (3) Sub-paragraph (2) is subject to the following provisions.
- 3 Paragraph 2(2) shall not apply in relation to section 2 (preliminary inquiry) unless a request that a preliminary inquiry be held has been granted under section 2 of the 1991 Act.
- 4 Paragraph 2(2) shall not apply in relation to section 3 (limitation of power to grant bail).
- 5 Paragraph 2(2) shall not apply in relation to section 4 (legal aid to applicants for bail) except for the purposes of assignments made before commencement.
- 6 Paragraph 2(2) shall not apply in relation to section 5 (maximum period of remand in custody) except for the purposes of orders for remand made before commencement.
- 7 Paragraph 2(2) shall not apply in relation to section 6 (custody of young persons).
- 8 Paragraph 2(2) shall not apply in relation to section 8 (time limits for preliminary proceedings).
- 9 Paragraph 2(2) shall not apply in relation to sections 10 to 13 (court, mode of trial, evidence and onus of proof) except in cases where the case for the prosecution was opened, or a plea of guilty was accepted, before commencement.
- 10 Paragraph 2(2) shall not apply in relation to sections 14 to 16 (treatment of offenders) except where the conviction of the offence in question occurred before commencement.
- 11 Paragraph 2(2) shall not apply in relation to section 18 (constable’s general power of arrest and seizure) except where the arrest, entry, search or seizure occurred before commencement.
- 12 Paragraph 2(2) shall not apply in relation to section 46(8)(a) to (c) (right to have someone informed of detention: delay related to scheduled offence) except for the purposes of authorisations given before commencement.

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*Status: This is the original version (as it was originally enacted).*

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- 13 Paragraph 2(2) shall not apply in relation to section 47(8)(a) to (c) (right of access to legal advice: delay related to scheduled offence) except for the purposes of authorisations given before commencement.
- 14 Paragraph 2(2) shall not apply in relation to section 53(7) (compensation: restriction) except where the act in question was done before commencement.
- 15 Note 1 of Part I of Schedule 1 shall apply to any offence to which the corresponding note in the Northern Ireland (Emergency Provisions) Act 1991 applied.