
STATUTORY INSTRUMENTS

1996 No. 3161

NORTHERN IRELAND

**The Criminal Justice (Northern Ireland
Consequential Amendments) Order 1996**

Made - - - - 19th December 1996

Coming into force in accordance with Article 1(2)

At the Court at Buckingham Palace, the 19th day of December 1996

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 38(2) of the Northern Ireland Constitution Act 1973(1), as extended by paragraph 1(7) of Schedule 1 to the Northern Ireland Act 1974(2), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title, commencement and extent

1.—(1) This Order may be cited as the Criminal Justice (Northern Ireland Consequential Amendments) Order 1996.

(2) This Order shall come into force on such day or days as may be appointed by order made under Article 1(2) of the Criminal Justice (Northern Ireland) Order 1996(3).

(3) This Order extends to the whole of the United Kingdom.

Amendment of the Criminal Justice Act 1991

2. In Schedule 3 to the Criminal Justice Act 1991(4) (Reciprocal enforcement of certain orders)—

(a) in paragraph 2—

(1) 1973 c. 36; section 38 was amended by paragraph 6 of Schedule 2 to the Northern Ireland Act 1982 (c. 38).

(2) 1974 c. 28.

(3) S.I.1996/3160 (N.I. 24). Provision is made by Article 1(3) of that Order for the coming into force of this Order.

(4) 1991 c. 53.

- (i) in sub-paragraph (3)(c) for the words “section 2B of the Probation Act (Northern Ireland) 1950” there shall be substituted the words “paragraph 3 of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996”;
- (ii) in sub-paragraph (3)(d) for the words “section 2 of the Probation Act (Northern Ireland) 1950” there shall be substituted the words “paragraph 4(3) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996”;
- (b) in paragraph 4—
 - (i) sub-paragraph (1)(a) is hereby repealed;
 - (ii) in sub-paragraph (1)(b) the words “in any case” are hereby repealed;
 - (iii) in sub-paragraph (2) the words from “and, where” onwards are hereby repealed;
 - (iv) in sub-paragraph (3)(b) for the words “the Treatment of Offenders (Northern Ireland) Order 1976” there shall be substituted the words “Part II of the Criminal Justice (Northern Ireland) Order 1996”;
- (c) in paragraph 6—
 - (i) in sub-paragraph (4)(b) for the words from “section” onwards there shall be substituted the words “paragraphs 3(1)(d), 4(1)(d), 7(2) or 8(2) of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996”; and
 - (ii) for sub-paragraph (4)(c)(ii) there shall be substituted—
 - “(ii) a power conferred by paragraph 3(1)(d), 4(1)(d), 7(2) or 8(2) of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996;”;
 - (iii) in sub-paragraph (8), in the definition of “the probation officer concerned” for the words “Part III of the Treatment of Offenders (Northern Ireland) Order 1976” there shall be substituted the words “Part II of the Criminal Justice (Northern Ireland) Order 1996”;
- (d) in paragraph 10—
 - (i) in sub-paragraph (1) the words “in the case of an offender of or over the age of 16 years” are hereby repealed;
 - (ii) in sub-paragraph (1) for the words “section 1 of the Probation Act (Northern Ireland) 1950” there shall be substituted the words “Article 10 of the Criminal Justice (Northern Ireland) Order 1996”;
 - (iii) in sub-paragraph (2) the words “has attained the age of 16 years and” are hereby repealed;
 - (iv) in sub-paragraph (2) for the words “Probation Act (Northern Ireland) 1950” there shall be substituted the words “Criminal Justice (Northern Ireland) Order 1996”;
 - (v) in sub-paragraph (3) for the words “sections 2, 2A and 2B of the Probation Act (Northern Ireland) 1950” there shall be substituted the words “Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996”;
 - (vi) in sub-paragraph (3)(b) for the words “section 2(2)” there shall be substituted the words “paragraph 4(3)”;
 - (vii) in sub-paragraph (3)(c) for the words “section 2A(5)” there shall be substituted the words “paragraph 2(5)”;
 - (viii) in sub-paragraph (3)(d) for the words “section 2B” there shall be substituted the words “paragraph 3”;
- (e) in paragraph 11—

- (i) in sub-paragraph (2)(b) the words “(except paragraphs 9 and 10)” are hereby repealed;
- (ii) in sub-paragraph (3) for the words “section 1(5) of the Probation Act (Northern Ireland) 1950” there shall be substituted the words “Article 10(3) of the Criminal Justice (Northern Ireland) Order 1996”;
- (iii) in sub-paragraph (5)(b) for the words “paragraph 1 of Schedule 2 to the Probation Act (Northern Ireland) 1950” there shall be substituted the words “paragraph 7 or 8 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996”;
- (iv) in sub-paragraph (6) for the words “section 4(2) to (7) of the Probation Act (Northern Ireland) 1950” there shall be substituted the words “Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996”.

N. H. Nicholls
Clerk of the Privy Council

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Criminal Justice Act 1991 which are consequential on changes in the law relating to probation orders and community service orders in Northern Ireland contained in Part II of the Criminal Justice (Northern Ireland) Order 1996.