

SCHEDULES

SCHEDULE 14

Criminal Justice

Criminal Justice Act 1988

29. Amend the Criminal Justice Act 1988(1) as follows.

30.—(1) Amend section 35 (reviews of sentencing: scope of Part 4) as follows.

(2) After subsection (9) insert—

“(9A) Any reference in subsection (4) to the Secretary of State must be construed as a reference to the Department of Justice in Northern Ireland.”

(3) In subsection (10), in the text substituted for subsection (5), for the words from “such statutory rule” to “accordingly” substitute “such order shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(2))”.

31.—(1) Amend section 141 (offensive weapons) as follows.

(2) In subsection (13) for “the reference in subsection (2) above” substitute “in subsection (2) above the reference to the Secretary of State shall be construed as a reference to the Department of Justice in Northern Ireland and the reference”.

(3) After subsection (13) insert—

“(14) In the application of this section to Northern Ireland, the power under subsection (11D) above to provide by order—

- (a) for exceptions and exemptions from the offence under subsection (1) above; and
- (b) for it to be a defence in proceedings for such an offence to show the matters specified or described in the order,

is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State).

(15) Any power of the Department of Justice in Northern Ireland to make an order under this section shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(3) (and not by statutory instrument).

(16) No order shall be made by the Department of Justice under this section unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(1) 1988 c. 33. Section 35 was amended by the Criminal Justice and Public Order Act 1994 (c. 33), Schedule 9, paragraph 34. Section 141 was amended by the Violent Crime Reduction Act 2006 (c. 38), Schedule 2, paragraph 11; and S.I. 2008/1216 (N.I. 1).

(2) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

(3) S.I. 1979/1573 (N.I. 12).

Status: *This is the original version (as it was originally made).*

(17) Section 41(3) of the Interpretation Act (Northern Ireland) 1954⁽⁴⁾ applies for the purposes of subsection (16) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.”

⁽⁴⁾ Section 41(3) was substituted by [S.I. 1999/663](#).