

## SCHEDULES

### SCHEDULE 14

#### Criminal Justice

##### *Criminal Justice Act 2003*

**78.**—(1) Amend the Criminal Justice Act 2003(1) as follows.

- (2) In section 50(10) (application of Part 7 to Northern Ireland), after “47(8)” insert “—
- (a) for “Secretary of State” substitute “Department of Justice in Northern Ireland”; and
  - (b)”.
- (3) In section 97 (application of Criminal Appeal Acts to proceedings under Part 10)—
- (a) omit the words “or the Criminal Appeal (Northern Ireland) Act 1980 (c.47)”;
  - (b) the remaining words become subsection (1);
  - (c) in subsection (1) after “to proceedings” insert “in England and Wales”;
  - (d) after subsection (1) insert—
- “(2) Subject to the provisions of this Part, the Department of Justice in Northern Ireland may make an order containing provision, in relation to proceedings in Northern Ireland before the Court of Appeal under this Part, which corresponds to any provision, in relation to appeals or other proceedings before that court, which is contained in the Criminal Appeal (Northern Ireland) Act 1980(2) (subject to any specified modifications).”
- (4) After section 330 insert—

#### **“330A Orders: Northern Ireland**

- (1) Any power of the Department of Justice in Northern Ireland to make an order under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(3).
- (2) The Department of Justice shall not make any order—
- (a) making any provision by virtue of section 333(2)(b) which adds to, replaces or omits any part of the text of an Act, or
  - (b) under section 336(3) bringing section 43 into force,
- unless a draft of it has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

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(1) 2003 c. 44, to which there are amendments not relevant to this Order.  
(2) 1980 c. 47.  
(3) S.I. 1979/1573 (N.I. 12).

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Paragraph 78. (See end of Document for details)

(3) Section 41(3) of the Interpretation Act (Northern Ireland) 1954(4) applies for the purposes of subsection (2) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.

(4) Any other order made by the Department of Justice under section 333, or an order made by the Department of Justice under section 47(8) or 97(2), is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(5)).

(5) Any power of the Department of Justice to make an order under this Act—

- (a) may be exercised so as to make different provision for different purposes or different areas, and
- (b) may be exercised either for all the purposes to which the power extends, or for those purposes subject to specified exceptions, or only for specified purposes.

(6) The power includes power to make—

- (a) any supplementary, incidental or consequential provision, and
- (b) any transitory, transitional or saving provision,

which the Department of Justice considers necessary or expedient.”

(5) In section 333 (supplementary and consequential provision, etc.)—

(a) after subsection (1) insert—

“(1A) In the application of this section to Northern Ireland, any reference to the Secretary of State is to be read as a reference to the Department of Justice in Northern Ireland.”;

(b) in subsection (3) after “330(4)(b)” insert “or 330A(6)(b)”.

(6) In section 336 (commencement) after subsection (4) insert—

“(5) For the purposes of the law of Northern Ireland, the power in subsection (3) is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State).”

#### Commencement Information

**II** Sch. 14 para. 78 in force at 12.4.2010, see [art. 1\(2\)](#)

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

(5) Section 41(6) was amended by [S.I. 1999/663](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Paragraph 78.