

SCHEDULES

SCHEDULE 7

Article 6(4)

Criminal Justice and Public Order Act 1994

1. Amend the Criminal Justice and Public Order Act 1994(1) as follows.

Commencement Information

- I1** Sch. 7 para. 1 in force at 12.4.2010, see [art. 1\(2\)](#)

2. At the beginning of Chapter 3 of Part 8 insert—

“117A Exercise of functions by the Department of Justice

(1) This Chapter, except so far as it relates to the delivery of prisoners to or from premises situated outside the United Kingdom, has effect subject to the following modifications.

(2) Any reference to the Secretary of State is to be read as a reference to the Department of Justice in Northern Ireland.

(3) Subsections (4) and (5) below apply instead of section 120(6) and paragraph 3(3) of Schedule 7.

(4) The power of the Department of Justice to make rules under section 120 or to make regulations under paragraph 3 of Schedule 7 shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(2).

(5) Rules made by the Department of Justice under section 120, and regulations made by the Department of Justice under paragraph 3 of Schedule 7, shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(3)).”

Commencement Information

- I2** Sch. 7 para. 2 in force at 12.4.2010, see [art. 1\(2\)](#)

3. In section 127(4) (prison service: inducements to withhold services or to indiscipline)—
 - (a) in subsection (2) after “Scottish Ministers” insert “or, in Northern Ireland, to the Department of Justice”;
 - (b) in subsection (3) after “Scottish Ministers” (in the first place where those words appear) insert “or, in Northern Ireland, of the Department of Justice”;
 - (c) in subsection (3) after “Scottish Ministers” (in the second place where those words appear) insert “or, in Northern Ireland, the Department of Justice”; and

(1) 1994 c. 33.

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

(3) Section 41(6) was amended by S.I. 1999/663.

(4) Section 127 was amended by S.I. 1999/1820. Other amendments have been made to section 127 but none are relevant.

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, SCHEDULE 7. (See end of Document for details)

- (d) in subsection (8) after “Scottish Ministers” insert “or, in Northern Ireland, the Department of Justice”.

Commencement Information

I3 Sch. 7 para. 3 in force at 12.4.2010, see [art. 1\(2\)](#)

- 4.—(1) Amend section 127A(5) (power to suspend operation of section 127) as follows.
- (2) After subsection (1) insert—
- “(1A) In the application of this section to Northern Ireland, in subsection (1) the reference to the Secretary of State is to be read as a reference to the Department of Justice in Northern Ireland.”
- (3) At the end of subsection (3) insert “(subject to subsection (5))”.
- (4) After subsection (4) insert—
- “(5) The power of the Department of Justice in Northern Ireland to make orders under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (and not by statutory instrument).
- (6) No order may 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.
- (7) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (6) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.”

Commencement Information

I4 Sch. 7 para. 4 in force at 12.4.2010, see [art. 1\(2\)](#)

5. Omit section 128(5)(aa)(6) (definition of prison service in Northern Ireland).

Commencement Information

I5 Sch. 7 para. 5 in force at 12.4.2010, see [art. 1\(2\)](#)

6. After section 128 insert—

“128A Pay and related conditions: Northern Ireland

- (1) The Department of Justice in Northern Ireland may by regulations provide for the establishment, maintenance and operation of procedures for the determination from time to time of—
- (a) the rates of pay and allowances to be applied to the prison service; and
- (b) such other terms and conditions of employment in that service as may appear to the Department of Justice to fall to be determined in association with the determination of rates of pay and allowances.

(5) Section 127A was inserted by section 139 of the Criminal Justice and Immigration Act 2008 (c. 4).

(6) Section 128(5)(aa) was inserted by section 25 of the Offender Management Act 2007 (c. 21) and amended by S.I. 2008/1216 (N.I. 1).

(2) Before making any regulations under this section the Department of Justice shall consult with such organisations appearing to it to be representative of persons working in the prison service and with such other persons as it thinks fit.

(3) The power to make regulations under this section shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

(4) Regulations made under this section shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).

(5) Regulations under this section may—

- (a) provide for determinations with respect to matters to which the regulations relate to be made wholly or partly by reference to such factors, and the opinion or recommendations of such persons, as may be specified or described in the regulations;
- (b) authorise the matters considered and determined in pursuance of the regulations to include matters applicable to times and periods before they are considered or determined;
- (c) make such incidental, supplemental, consequential and transitional provision as the Department of Justice thinks fit; and
- (d) make different provision for different cases.

(6) For the purposes of this section, the prison service comprises all the individuals who hold any post, other than as chaplain or assistant chaplain, to which they have been appointed for the purposes of section 2(2) of the Prison Act (Northern Ireland) 1953(7).”

Commencement Information

I6 Sch. 7 para. 6 in force at 12.4.2010, see [art. 1\(2\)](#)

7.—(1) Amend section 172 (extent) as follows.

(2) After subsection (13) insert—

“(13A) Subject to subsection (14), Chapter 3 of Part 8 extends to Northern Ireland only.”

(3) In subsection (14)—

- (a) after “Sections” insert “117A,”;
- (b) before “extend” insert “also”;
- (c) for the words from “but” to the end substitute “except that section 117A does not extend to any part of those islands outside the United Kingdom”.

Commencement Information

I7 Sch. 7 para. 7 in force at 12.4.2010, see [art. 1\(2\)](#)

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, SCHEDULE 7.