

SCHEDULES

SCHEDULE 9

Article 7

Corporate Manslaughter and Corporate Homicide Act 2007

1. Amend the Corporate Manslaughter and Corporate Homicide Act 2007(1) as follows.

Commencement Information

I1 Sch. 9 para. 1 in force at 12.4.2010, see [art. 1\(2\)](#)

2.—(1) Amend section 15 (procedure, evidence and sentencing) as follows.

(2) In subsection (2), in the definition of “prescribed”, for “prescribed by an order made by the Secretary of State” substitute

“—

(a) in relation to proceedings under this Act in England and Wales, prescribed by an order made by the Secretary of State;

(b) in relation to proceedings under this Act in Northern Ireland, prescribed by an order made by the Department of Justice in Northern Ireland;”.

(3) In subsection (3) after “section to proceedings” insert “(except in the definition of “prescribed” in subsection (2))”.

(4) In subsection (4) after “order” insert “of the Secretary of State”.

Commencement Information

I2 Sch. 9 para. 2 in force at 12.4.2010, see [art. 1\(2\)](#)

3. After section 23 insert—

“23A Powers of Department of Justice in Northern Ireland

(1) The power to make an order under any of the following provisions is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State) so far as the power may be used to make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998(2)).

(2) The provisions are—

(a) section 16(4);

(b) section 16(6);

(c) section 21;

(1) 2007 c. 19, to which there are amendments not relevant to this Order.

(2) 1998 c. 47.

Status: Point in time view as at 12/04/2010.

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 9. (See end of Document for details)

(d) section 22;

(e) section 23.

(3) None of the following applies in relation to a power of the Department of Justice to make an order by virtue of this section—

(a) section 16(7);

(b) section 21(3);

(c) section 22(2);

(d) section 23(3).”

Commencement Information

I3 Sch. 9 para. 3 in force at 12.4.2010, see [art. 1\(2\)](#)

4.—(1) Amend section 24 (orders) as follows.

(2) After subsection (4) insert—

“(5) A 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).

(6) An order made by the Department of Justice under section 15 or 16 is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(4)).

(7) No order shall be made by the Department of Justice under section 21 or 23 or (subject to subsection (8)) section 22, unless a draft of it has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(8) If the only amendments to Schedule 1 made by an order of the Department of Justice under section 22 are amendments within subsection (3) of that section—

(a) subsection (7) of this section does not apply to the making of the order, and

(b) the order is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).

(9) No order shall be made by the Department of Justice under section 27 bringing into force paragraph (d) of section 2(1) unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(10) Section 41(3) of the Interpretation Act (Northern Ireland) 1954(5) applies for the purposes of subsections (7) and (9) 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. 9 para. 4 in force at 12.4.2010, see [art. 1\(2\)](#)

5.—(1) Amend section 27 (commencement and savings) as follows.

(2) In subsection (1) after “State” insert “(subject to subsection (1A))”.

(3) [S.I. 1979/1573 \(N.I. 12\)](#).

(4) [1954 c. 33 \(N.I.\)](#). Section 41(6) was amended by [S.I. 1999/663](#).

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

(3) After subsection (1) insert—

“(1A) The power in subsection (1) is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State) for the purposes of the law of Northern Ireland.”

(4) In subsection (2) after “order” insert “of the Secretary of State”.

Commencement Information

I5 Sch. 9 para. 5 in force at 12.4.2010, see [art. 1\(2\)](#)

Status:

Point in time view as at 12/04/2010.

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 9.