STATUTORY RULES OF NORTHERN IRELAND

2010 No. 113 (C. 7)

JUSTICE

The Justice (Northern Ireland) Act 2002 (Commencement No.14) Order 2010

Made - - - - 15th March 2010

The Secretary of State, in exercise of the powers conferred by section 87 of the Justice (Northern Ireland) Act 2002(**1**), makes the following Order:

1. This Order may be cited as the Justice (Northern Ireland) Act 2002 (Commencement No.14) Order 2010.

2. The provisions of the Justice (Northern Ireland) Act 2002 specified in the Schedule shall come into force on 12th April 2010.

Northern Ireland Office
15th March 2010

Paul Goggins
Minister of State

(**1**) 2002 c.26.

SCHEDULE

Article 2

Provisions of the Justice (Northern Ireland) Act 2002 coming into force on 12th April 2010

1. Section 7(1) to (4) and (6) to (8) (Removal from listed judicial offices).

2. Section 22 (Attorney General).

3. Section 23 (Terms of appointment of Attorney General).

4. Section 24 (Removal of Attorney General).

5. Section 25 (Participation by Attorney General in Assembly Proceedings).

6. Section 26 (Annual report by Attorney General).

7. Section 27 (Advocate General).

8. Section 28(1) (Functions of Advocate General) to the extent necessary to bring into force the provisions of Schedule 7 listed in paragraph 19.

9. Section 28(2) (Functions of Advocate General).

10. Section 30(11) (Director of Public Prosecutions).

11. Section 33 (Consents to prosecutions).

12. Section 41 (Transfer of functions etc).

13. Section 42 (Independence of Director).

14. Section 43 (Appointment and removal of Director by Attorney General).

15. Section 67 (Flying of flags at court-houses).

16. Section 84(2) to (4) (Assembly Acts about judiciary, law officers and prosecutions).

17. Section 85(1) (Minor and consequential amendments) to the extent necessary to bring into force the provisions of Schedule 12 listed in paragraph 20.

18. Section 86 (Repeals and revocations) to the extent necessary to bring into force the provisions of Schedule 13 listed in paragraph 21.

19. Schedule 7 (Functions of Advocate General)—

(a) paragraphs 1, 2, 4, 5, 7 and 8;

(b) paragraphs 10;

(c) paragraphs 12 to 17;

(d) paragraphs 19 to 24;

(e) paragraphs 26 to 34;

(f) paragraphs 36 and 37.

20. Schedule 12 (Minor and consequential amendments)—

(a) paragraphs 10 to 12;

(b) paragraph 41;

(c) paragraph 65.

21. In Schedule 13 (Repeals and revocations), the entries in respect of—

(a) the Criminal Justice Act (Northern Ireland) 1945(**2**);

(**2**) 1945 c. 15 (N.I.).

(b) the County Courts Act (Northern Ireland) 1959(**3**) in so far as it relates to section 136(a) of that Act;

(c) the Grand Jury (Abolition) Act (Northern Ireland) 1969(**4**);

(d) the Prosecution of Offences (Northern Ireland) Order 1972(**5**);

(e) the Northern Ireland Constitution Act 1973(**6**) in so far as it relates to section 10(1) of that Act;

(f) the Northern Ireland (Modification of Enactments No.1) Order 1973(**7**) in so far as it is not already in force;

(g) the Energy Act 1976(**8**);

(h) the Internationally Protected Persons Act 1978(**9**);

(i) Schedule 5 to the Judicature (Northern Ireland) Act 1978(**10**) in so far as it relates to —

(i) sections 2(1), 3 and 6(2) of the Coroners Act (Northern Ireland) 1959(**11**); and

(ii) section 10(1) of the Magistrates' Courts Act (Northern Ireland) 1964(**12**);

(j) the Suppression of Terrorism Act 1978(**13**);

(k) the Civil Aviation Act 1982(**14**);

(l) the Administration of Justice Act 1982(**15**);

(m) the Probation Board (Northern Ireland) Order 1982(**16**);

(n) the Criminal Justice Act 1987(**17**) in so far as it relates to paragraph 6 of Schedule 2 to that Act;

(o) the Criminal Justice (Northern Ireland) Order 1991(**18**);

(p) the Radioactive Substances Act 1993(**19**);

(q) the Criminal Procedure and Investigations Act 1996(**20**);

(r) the Northern Ireland Act 1998(**21**) in so far as it relates to section 7(1) of that Act.

(**3**) 1959 c. 25 (N.I.).
(**4**) 1969 c. 15 (N.I.).
(**5**) S.I. 1972/538 (N.I. 1).
(**6**) 1973 c. 36.
(**7**) S.I. 1973/2163.
(**8**) 1976 c.76.
(**9**) 1978 c.17.
(**10**) 1978 c. 23.
(**11**) 1959 c. 15 (N.I.).
(**12**) 1964 c. 21 (N.I.).
(**13**) 1978 s.26.
(**14**) 1982 c.16.
(**15**) 1982 c.53.
(**16**) S.I. 1982/713 (N.I. 10).
(**17**) 1987 c.38.
(**18**) S.I. 1991/1711 (N.I. 16).
(**19**) 1993 c.12.
(**20**) 1996 c.25.
(**21**) 1998 c.47.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the provisions of the Justice (Northern Ireland) Act 2002 specified in the Schedule on 12th April 2010.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provision	*Date of Commencement*	*S.R. No.*
Section 1 (guarantee of continued judicial independence)	30.8.2005	2005 No. 391 (C.30)
Section 2 (appointment and removal of judiciary: introductory)	15.6.2005	2005 No. 281 (C.21)
Section 3 (Judicial Appointments Commission)		
Section 5(2) to (9) (appointment to listed judicial offices)		
Section 9(1) to (3), (7) to (11) and (13) (lay magistrates)	1.9.2004	2004 No. 301 (C.11)
Section 9(4), (5), (6) and (14) (lay magistrates)	15.10.2002	2002 No. 319 (C.27)
Section 9(12) (lay magistrates: exercise of functions by Lord Chief Justice, Lord Justices of Appeal, judges of the High Court and county court judges)	1.4.2005	2005 No. 109 (C.9)
Section 10(1) to (5) and (7) (transfer of functions of justices of the peace)		
Section 10(6) (partially)		
Section 11 (transfer of functions of lay panellists)		
Section 12 (role of Lord Chief Justice)	3.4.2006	2006 No. 124 (C.8)
Section 13 (presiding county court judge)		
Section 14 (presiding resident magistrates)		
Section 15 (presiding lay magistrate)		
Section 16 (complaints about holders of judicial office)		

Provision	*Date of Commencement*	*S.R. No.*
Section 17 (secretaries of Lord Chief Justice)	15.10.2002	2002 No. 319
Section 18(1) to (9) (qualification for appointment)		(C.27)
Section 18(10) (qualification for appointment: Crown Solicitor for Northern Ireland)	3.4.2006	2006 No. 124
		(C.8)
Section 19 (judicial oath or affirmation)	15.10.2002	2002 No. 319
		(C.27)
Section 20 (Crown Solicitor)	3.4.2006	2006 No. 124
		(C.8)
Section 21 (judicial pensions: pension sharing)	15.10.2002	2002 No. 319
		(C.27)
Section 29 (Public Prosecution Service)	13.6.2005	2005 No. 281
Section 30(1) to (10) (Director of Public Prosecutions)		(C.21)
Section 31 (conduct of prosecutions)		
Section 31A (conduct of extradition proceedings) as inserted by section 192(6) of the Extradition Act 2003(**22**).	Section 192(6) was commenced on 1.1.2004 by S.I. 2003/3103 (C.122)	
Section 32 (discontinuance of proceedings before court appearance)	13.6.2005	2005 No. 281
Section 34 (police complaints)		(C.21)
Section 35 (information for Director)		
Section 36 (exercise of functions by and on behalf of Service)		
Section 37 (code for Prosecutors)		
Section 38 (equality and non-discrimination)	1.6.2006	2005 No. 281
		(C.21)
Section 39 (reports by Director)	1.9.2005	2005 No. 281
		(C.21)
Section 40 (superintendence and removal of Director)	13.6.2005	2005 No. 281
Section 44 (interpretation)		(C.21)
Section 45 (Chief Inspector of Criminal Justice)	26.5.2003	2003 No. 265

(**22**) 2003 c.41.