STATUTORY RULES OF NORTHERN IRELAND

# 2009 No. 120 (C. 6)

# CRIMINAL LAW

## Criminal Justice (Northern Ireland) Order 2008 (Commencement No.5 and Saving Provisions) Order 2009

*Made - - - - 14th March 2009*

The Secretary of State makes the following Order, in exercise of the powers conferred by Articles 1(4) and 100(4) of the Criminal Justice (Northern Ireland) Order 2008(**1**).

**Citation and Interpretation**

**1.**—(1) This Order may be cited as the Criminal Justice (Northern Ireland) Order 2008 (Commencement No.5 and Saving Provisions) Order 2009

(2) In this Order;

(a) "the 2008 Order" means the Criminal Justice (Northern Ireland) Order 2008;

(b) "the 1996 Order" means the Criminal Justice (Northern Ireland) Order 1996(**2**).

**Commencement**

**2.**—(1) The provisions of the 2008 Order specified in Schedule 1 shall come into operation on 1st April 2009, subject to the saving provisions in Schedule 2.

(2) Where any limitation is specified in relation to any provision in Schedule 1 the provision concerned shall come into operation on that date subject to that limitation.

Northern Ireland Office
14th March 2009

*Paul Goggins*
Minister of State

(**1**) S.I 2008/1216 (N.I. 1)
(**2**) S.I. 1996/3160 (N.I. 24)

## SCHEDULE 1

Article 2

Provisions coming into operation on 1st April 2009

1. Article 5 (restrictions on imposing certain custodial sentences).

2. Article 6 (restrictions on imposing custodial sentences on persons not legally represented).

3. Article 7 (length of custodial sentences) in so far is it not already in operation.

4. Article 8 (length of custodial period).

5. Article 9 (procedural requirements for custodial sentences).

6. Article 10 (additional requirements in the case of mentally disordered offenders).

7. Article 11 (disclosure of pre-sentence reports).

8. Article 17 (duty to release certain fixed-term prisoners).

9. Article 21 (duration of licences: fixed-term prisoners) in so far as it is not already in operation.

10. Article 23 (power of court to recommend licence conditions for sentences of 12 months or more).

11. Article 28 (recall of prisoners while on licence) in so far as it relates to a person released on licence under Article 17.

12. Article 29 (further release after recall for certain fixed-term prisoners) in so far as it relates to a person released on licence under Article 17.

13. Article 32 (1), (2) and (4) (concurrent terms) in so far as it is not already in operation.

14. Article 33 (1), (2), (3) and (6) (consecutive terms) in so far as it is not already in operation.

15. Chapter 5 (curfews and electronic monitoring).

16. Article 102(1) (amendments) to the extent necessary to bring into operation the amendments specified in paragraph 18.

17. Article 102(2) (repeals) to the extent necessary to bring into operation the repeals specified in paragraph 19.

18. In Schedule 5 (amendments) –

(a) Paragraph 4(1) (Repatriation of Prisoners Act 1984 (**3**)) in so far as it relates to release on licence under Article 17 of the 2008 Order;

(b) Paragraph 7 (6), (8) and (9) (the 1996 Order).

19. In Schedule 6 (Repeals) Part 1 the entries in respect of —

(a) the 1996 Order in so far as it repeals Articles 18 to 22 and 24 to 26;

(b) the Crime (Sentences) Act 1997(**4**);

(c) the Criminal Justice (Children) (Northern Ireland) Order 1998(**5**);

(d) the Justice (Northern Ireland) Act 2002(**6**) in so far as it repeals Schedule 11 paragraph 12;

(e) the Criminal Justice Act 2003(**7**);

(**3**) 1984 c.47
(**4**) 1997 c.43
(**5**) S.I. 1998/1504 (N.I. 9)
(**6**) 2002 c.26
(**7**) 2003 c.44