STATUTORY RULES OF NORTHERN IRELAND

2005 No. 281 (C. 21)

JUSTICE

The Justice (Northern Ireland) Act 2002 (Commencement No. 9 and Transitional Provisions) Order 2005

Made - - - - 24th May 2005

The Secretary of State, in exercise of the powers conferred upon him by sections 87 and 89(1) of the Justice (Northern Ireland) Act 2002(**1**), hereby makes the following Order:

1.—(1) This Order may be cited as the Justice (Northern Ireland) Act 2002 (Commencement No. 9 and Transitional Provisions) Order 2005.

(2) In this Order "the Act" means the Justice (Northern Ireland) Act 2002.

2.—(1) The provisions of the Act specified in Schedule 1 to this Order shall come into force on 13th June 2005.

(2) Until section 41(2) of the Act is brought into force, references to the Director and to his deputy in Article 7 of the Prosecution of Offences (Northern Ireland) Order 1972(**2**) are to be read respectively as references to the Director of Public Prosecutions for Northern Ireland and to the Deputy Director of Public Prosecutions for Northern Ireland established by section 29(2) of the Act.

3.—(1) Subject to paragraphs (2) and (3), the provisions of the Act specified in Schedule 2 to this Order shall come into force on 15th June 2005.

(2) Section 5(2) to (9) of the Act shall come into force in relation to the appointment of lay magistrates on 10th December 2005.

(3) Section 5(2) to (9) of the Act shall not apply to an appointment to any listed judicial office other than lay magistrates or a recommendation for such appointment, where the position was advertised before 15th June 2005.

4. Section 39 (reports by Director) of the Act shall come into force on 1st September 2005.

5. Section 38 (equality and non-discrimination) of the Act shall come into force on 1st June 2006.

(**1**) 2002 c. 26.
(**2**) S.I.1972/538 (N.I. 1).

Peter Hain
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
24th May 2005

SCHEDULE 1

Article 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 13th JUNE 2005

1. Section 29 (Public Prosecution Service).

2. Section 30(1) to (10) (Director of Public Prosecutions).

3. Section 31 (conduct of prosecutions).

4. Section 32 (discontinuance of proceedings before court appearance).

5. Section 34 (police complaints).

6. Section 35 (information for Director).

7. Section 36 (exercise of functions by and on behalf of Service).

8. Section 37 (code for Prosecutors).

9. Section 40 (superintendence and removal of Director).

10. Section 44 (interpretation).

11. Section 85(1) (minor and consequential amendments) to the extent necessary to bring into force the provisions of Schedule 12 (minor and consequential amendments) specified in this Schedule.

12. Section 86 (repeals and revocations) to the extent necessary to bring into force the provisions of Schedule 13 (repeals and revocations) specified in this Schedule.

13. In Schedule 12 (minor and consequential amendments) –

(a) paragraph 1;

(b) paragraph 2;

(c) paragraph 6;

(d) paragraph 49;

(e) paragraph 53(1) to the extent necessary to bring into force the amendments set out in paragraph 53(3) of Schedule 12 specified in this Schedule;

(f) paragraph 53(3) insofar as it relates to the Director of Public Prosecutions for Northern Ireland, the Deputy Director of Public Prosecutions for Northern Ireland and the members of staff of the Public Prosecution Service for Northern Ireland; and

(g) paragraph 80.

14. In Schedule 13 (repeals and revocations) the entries in respect of –

(a) the Prosecution of Offences (Northern Ireland) Order 1972(**3**), insofar as it repeals Article 1, the definitions of "deputy Director" and "Director" in Article 2(2), Article 2(3) and Articles 3 to 6 and 8 to 10;

(b) section 34 of the Northern Ireland Constitution Act 1973(**4**);

(c) the Criminal Justice (Northern Ireland) Order 1980(**5**);

(d) paragraph 5(2) of Schedule 1 to the Criminal Justice Act 1987(**6**); and

(e) the Police (Northern Ireland) Act 1998(**7**).

(**3**) S.I. 1972/538 (N.I. 1).
(**4**) 1973 c. 36.
(**5**) S.I. 1980/704 (N.I. 6).
(**6**) 1987 c. 38.
(**7**) 1998 c. 32.