

Status: This version of this provision is prospective.

Changes to legislation: The Criminal Justice (Northern Ireland) Order 2008, Section 61 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

2008 No. 1216

The Criminal Justice (Northern Ireland) Order 2008

PART 4

ROAD TRAFFIC OFFENCES

Drink-driving, etc.

PROSPECTIVE

Experimental period for Article 60

61.—(1) Subject as follows, no order shall be made under Article 38A of the Road Traffic Offenders (Northern Ireland) Order 1995 (NI 18) (inserted by Article 60) after—

- (a) the end of 2012; or
- (b) such later time as may be specified in an order made by the Department.

(2) But at any time before the restriction imposed by paragraph (1) has taken effect, the Department may by order provide that it shall not do so.

(3) In this Article “the experimental period” means the period beginning when Article 60 comes into operation and ending—

- (a) when the restriction imposed by paragraph (1) takes effect; or
- (b) if the Department makes an order under paragraph (2), on a date specified in the order.

(4) During the experimental period—

- (a) no order shall be made under Article 38A by virtue of a person's conviction under Article 14 of the Road Traffic (Northern Ireland) Order 1995 (NI 10); and
- (b) no order shall be made under Article 38A except by a magistrates' court^{F1}... which is for the time being designated for the purposes of this Article.

(5) In relation to orders made under Article 38A during the experimental period, Article 38B(5) shall have effect with the omission of the references to the relevant local court.

(6) The power to designate a [^{F2}magistrates' court] for the purposes of this Article is exercisable by order made by the Lord Chancellor after consultation with the Lord Chief Justice, and includes power to revoke a designation previously made.

(7) An order under paragraph (6) must specify the period for which [^{F3}a court] is designated, and may—

- (a) specify different periods for different [^{F3}courts] ; and
- (b) extend or shorten any period previously specified.

(8) The power to make an order under paragraph (1) is not exercisable after the end of 2012, and no more than one order may be made under that paragraph.

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(9) No order shall be made under paragraph (1) or (2) unless a draft of it has been laid before, and approved by a resolution of, the Assembly

(10) [F4.....]

Textual Amendments

- F1** Words in art. 61(4)(b) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 136(3)(a), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3) (but this amendment cannot take effect until the commencement of S.I. 2008/1216, art. 61)
- F2** Words in art. 61(6) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 136(3)(b)** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3) (but this amendment cannot take effect until the commencement of S.I. 2008/1216, art. 61)
- F3** Words in art. 61(7) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 136(3)(c)** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3) (but this amendment cannot take effect until the commencement of S.I. 2008/1216, art. 61)
- F4** Art. 61(10) omitted (12.4.2010) by virtue of Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 167** (with arts. 28-31); S.I. 2010/977, **art. 1(2)** (but this amendment cannot take effect until the commencement of S.I. 2008/1216, art. 61)

Modifications etc. (not altering text)

- C1** Art. 61(6): functions of Lord Chancellor transferred to Department of Justice (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(1), **Sch. 17 para. 56** (with arts. 15(6), 28-31); S.I. 2010/977, **art. 1(2)**

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 Pt. 1 para. 31A renumbered as 31(B) by [2022 c. 19 \(N.I.\) Sch. 4 para. 3\(a\)](#)
- art. 19(1A) inserted by [2015 c. 9 \(N.I.\) s. 82](#)
- art. 45(1A) inserted by [2011 c. 24 \(N.I.\) s. 58\(2\)](#)