

SCHEDULES

SCHEDULE 14

Criminal Justice

Criminal Procedure and Investigations Act 1996

34.—(1) Amend Schedule 4 to the Criminal Procedure and Investigations Act 1996(1) (modifications for Northern Ireland) as follows.

(2) After paragraph 4 insert—

“**4A.** After section 2(5) insert—

“(5A) References to the appropriate authority—

(a) in relation to cases where a certificate has been issued under section 1 of the Justice and Security (Northern Ireland) Act 2007(2), are references to the Secretary of State;

(b) in relation to all other cases, are references to the Department of Justice.”

(3) After paragraph 5 insert—

“**5A.** In section 6A(4) for “Secretary of State” substitute “appropriate authority”.

5B. In section 12(2) and (4) for “Secretary of State” substitute “appropriate authority”.

(4) After paragraph 14 insert—

“**14A.** In section 21A—

(a) in subsections (1) and (4) to (6) for “Secretary of State” substitute “appropriate authority”;

(b) in subsection (4)(c) for “he” substitute “the appropriate authority”;

(c) in subsection (7) after “made” insert “by the Secretary of State”;

(d) in subsection (8) after “An order” insert “made by the Secretary of State”;

(e) after subsection (8) insert—

“(8A) An order bringing the code into operation may not be made by the Department of Justice unless a draft of the order has been laid before and approved by a resolution of the Northern Ireland Assembly.

(8B) An order made by the Department of Justice bringing a revised code into operation shall be laid before the Northern Ireland Assembly if the order has been made without a draft having been so laid and approved by a resolution of that Assembly.”;

(1) 1996 c. 25. Schedule 4 modifies provisions of the Act in their application to Northern Ireland. There are relevant amendments to the provisions modified by Schedule 4. Section 6A was inserted by section 33(2) of the Criminal Justice Act 2003 (c. 44). Section 12 was amended by the Criminal Justice Act 2003 (c. 44), Schedule 36, paragraph 28. Section 21A was inserted by section 40 of the Criminal Justice Act 2003 (c. 44). Section 23 was amended by the Regulation of Investigatory Powers Act 2000 (c. 23), section 82, Schedule 4, paragraph 7.

(2) 2007 c. 6.

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, Cross Heading: Criminal Procedure and Investigations Act 1996. (See end of Document for details)

- (f) in subsection (9) for “or (8)” substitute “, (8), (8A) or (8B)”;
- (g) after subsection (13) insert—

“(14) Section 41(3) of the Interpretation Act (Northern Ireland) 1954⁽³⁾ applies for the purposes of this section in relation to the laying of an order, a draft of an order or a code as it applies in relation to the laying of a statutory document under an enactment.”

- (5) After paragraph 14A insert—

“Part 2 of this Act

14B. In section 23—

- (a) in subsection (1) for “Secretary of State” substitute “Department of Justice”;
- (b) after subsection (8) insert—

“(9) For purposes connected with national security or any matter within paragraph 9(1)(a) or (b) of Schedule 3 to the Northern Ireland Act 1998⁽⁴⁾, the Secretary of State may prepare a code of practice containing any provision that may be included in a code prepared by the Department of Justice under this section.

(10) Any code prepared by the Department of Justice has effect subject to any code prepared by the Secretary of State.”

14C. In section 25—

- (a) in subsection (1)—
 - (i) for “Secretary of State” substitute “Department of Justice”;
 - (ii) for “he” (wherever occurring) substitute “the Department”;
 - (iii) for “him” substitute “it”;
- (b) in subsection (2)—
 - (i) for “Secretary of State” substitute “Department of Justice”;
 - (ii) for “he” (wherever occurring) substitute “the Department”;
 - (iii) for “each House of Parliament” substitute “the Northern Ireland Assembly”;

- (c) after subsection (2) insert—

“(2A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (2) in relation to the laying of a code as it applies in relation to the laying of a statutory document under an enactment.”;

- (d) in subsection (4) for “Secretary of State” substitute “Department of Justice”;
- (e) after subsection (4) insert—

“(5) Subsections (1) to (4) above apply in relation to a code prepared by the Secretary of State under section 23(9) as they apply in relation to a code prepared by the Department of Justice and for this purpose—

- (a) references to the Department of Justice are to be read as references to the Secretary of State;
- (b) in subsection (2) the reference to the Northern Ireland Assembly is to be read as a reference to Parliament.”

- (6) After paragraph 33 insert—

⁽³⁾ 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.

⁽⁴⁾ 1998 c. 47.

“**33A.** After section 77 insert—

“**77A Orders and regulations (Department of Justice)**

(1) This section concerns the powers of the Department of Justice to make orders or regulations under this Act.

(2) Any power to make an order or regulations may be exercised differently in relation to different areas or in relation to other different cases or descriptions of case.

(3) Any order or regulations may include such supplementary, incidental, consequential or transitional provisions as appear to the Department of Justice to be necessary or expedient.

(4) Any power to make an order or regulations shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(5).

(5) No regulations shall be made under section 6A unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(6) Regulations (other than regulations under section 6A) shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(6)).

(7) No order shall be made under section 25 unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(8) Section 41(3) of the Interpretation Act (Northern Ireland) 1954(7) applies for the purposes of subsections (5) and (7) 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

II Sch. 14 para. 34 in force at 12.4.2010, see [art. 1\(2\)](#)

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

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

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

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