

2003 No. 3194 (N.I. 18)

NORTHERN IRELAND

**The Criminal Justice (No. 2) (Northern
Ireland) Order 2003**

Made - - - - - 10th December 2003

Laid before Parliament 12th January 2004

Coming into operation 29th January 2004

ARRANGEMENT OF ORDER

1. Title and commencement
2. Interpretation
3. Power of arrest for possession of cannabis

At the Court at Buckingham Palace, the 10th day of December 2003

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order in Council is made only for purposes corresponding to the purposes of section 3(3) of the Criminal Justice Act 2003 (c. 44):

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) (as modified by section 334 of the said Act of 2003) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Criminal Justice (No. 2) (Northern Ireland) Order 2003.

(2) This Order shall come into operation on 29th January 2004.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

Power of arrest for possession of cannabis

3. In Article 26(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12) (list of offences to which powers of summary arrest apply) after subparagraph (l) insert—

“(m) an offence under section 5(2) of the Misuse of Drugs Act 1971 (c. 38) (having possession of a controlled drug) in respect of cannabis or cannabis resin (within the meaning of that Act).”.

A. K. Galloway

Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made only for purposes corresponding to the purposes of section 3(3) of the Criminal Justice Act 2003. Its effect is that possession of cannabis shall continue to be an arrestable offence irrespective of the maximum period of imprisonment for conviction of that offence.

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