

2011 No. 370 (C. 26)

JUSTICE

The Justice (2011 Act) (Commencement No. 2) Order (Northern Ireland) 2011

Made - - - - *21 October 2011*

The Department of Justice, in exercise of the powers conferred by section 111(3) of the Justice Act (Northern Ireland) 2011 (a), makes the following Order:

Citation and Interpretation

1.—(1) This Order may be cited as the Justice (2011 Act) (Commencement No. 2) Order (Northern Ireland) 2011.

(2) In this Order, “the 2011 Act” means the Justice Act (Northern Ireland) 2011.

Provisions coming into operation on 1st December 2011

2. The day appointed for the coming into operation of the following provisions of the 2011 Act is 1st December 2011—

(a) section 103 (variation of firearms certificate);

Provisions coming into operation on 1st January 2012

3. The day appointed for the coming into operation of the following provisions of the 2011 Act is 1st January 2012—

- (a) sections 7 to 11 (special measures for vulnerable and intimidated witnesses);
- (b) section 13 (witnesses protected from cross-examination by accused in person);
- (c) section 35 and Schedule 3 (regulated matches) in so far as they are not already in operation;
- (d) Chapter 4 of Part 4 (banning orders in relation to regulated matches);
- (e) section 50 (enforcement) in so far as it is not already in operation;
- (f) section 100 (witness summons in magistrates’ court);
- (g) section 110 (minor and consequential amendments and repeals) to the extent necessary to bring into operation the provisions specified in paragraphs (h) and (i);
- (h) in Schedule 7 (minor and consequential amendments) paragraphs 7, 13 and 14; and
- (i) in Schedule 8 (repeals) Part 1.

Sealed with the Official Seal of the Department of Justice on 21 October 2011



David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation certain provisions of the Justice Act (Northern Ireland) 2011 (c.24) (“the Act”).

The provisions of the Act set out in Article 2 come into operation on 1st December 2011.

Section 103 amends Article 11 of the Firearms (Northern Ireland) Order 2004 (“the 2004 Order”) to allow a firearms dealer to vary a firearm certificate where the certificate holder replaces one firearm with another of the same type and calibre. The amendment does not apply to prohibited weapons. Article 11 of the 2004 Order already permits a dealer to vary a certificate where the holder replaces one shotgun with another.

The provisions of the Act set out in Article 3 come into operation on 1st January 2012.

Section 7 amends the age at which a person is considered to be a child witness in the Criminal Evidence (Northern Ireland) Order 1999 (“the 1999 Order”) from 17 years to 18 years. Section 8 allows the views of the child witness to be taken into account when a special measures application is being made. Section 9 gives adult complainants of sexual offences automatic entitlement to give video recorded evidence in chief. This does not apply in magistrates’ courts. Section 10 provides for the presence of a supporter to accompany a witness when the witness is giving evidence by live link. Section 11 relaxes the previous restrictions on a witness giving additional evidence in chief after their video recorded statement has been admitted. Section 13 amends Article 23 of the 1999 Order so that the age of a child complainant is raised to 18 from 17. Related minor and consequential amendments and repeals are also brought into operation. Related transitional and saving provisions (in paragraph 2 of Schedule 6) are already in operation (see section 111(1)(e) of the Act).

Chapter 4 of Part 4 deals with banning orders in relation to regulated matches. Sections 41 to 49 deal with the making, content, period and additional requirements of banning orders and terminations, appeals and the consequences of failing to comply with a banning order. Section 35 and Schedule 3 set out the definitions of regulated matches and the period of a regulated match and section 50 provides police powers to enforce the provisions of Part 4. A related transitional provision (in paragraph 3 of Schedule 6) is already in operation (see section 111(1)(e) of the Act).

Section 100 allows magistrates’ courts to consider applications for third party disclosure in respect of any evidence that may be of use to a party to the proceedings in presenting their case. A related transitional provision (in paragraph 8 of Schedule 6) is already in operation (see section 111(1)(e) of the Act).

Paragraph 14 of Schedule 7 amends the Criminal Justice (Northern Ireland) Order 2008 to enable a notice (about the existence of arrangements to carry the requirements of a supervised activity order) issued to a court by the Department of Justice (“the Department”) to be withdrawn by the Department. This is to enable a pilot of the making of supervised activity orders to be conducted and closed for evaluation prior to potentially rolling the powers out across Northern Ireland.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 14 to 19, 54, 56, 96, 97, 98, 99, 109 (partially), 110 (partially), Schedule 6 (partially), Schedule 7 (partially) and Schedule 8 (partially)	5th July 2011	S.R. 2011 No. 224 (c. 14)
Sections 35 (partially) and Schedule 3 (partially), sections 36 to 40 and 50 (partially)	1st August 2011	S.R. 2011 No. 224 (c. 14)

© Crown Copyright 2011

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print the Acts of the Assembly

£4.00

N5098 10/2011 415098T 19585

