

2011 No. 182 (C. 10)

CRIMINAL LAW (NORTHERN IRELAND)

**The Coroners and Justice Act 2009 (Commencement No. 1)
(Northern Ireland) Order 2011**

Made - - - -

5 April 2011

The Department of Justice, in exercise of the powers conferred by section 182(5) and (6) of the Coroners and Justice Act 2009(a), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Coroners and Justice Act 2009 (Commencement No. 1) (Northern Ireland) Order 2011.

(2) In this Order, “the 2009 Act” means the Coroners and Justice Act 2009.

Appointed day

2. The day appointed for the coming into force of the following provisions of the 2009 Act is 18th April 2011—

- (a) the following provisions of Part 3 Chapter 1 (anonymity in investigations)(b)
 - (i) section 74;
 - (ii) section 75(1), (2)(d), and (3) to (5);
 - (iii) section 76(1) to (11), 12(b) and (13);
 - (iv) section 77(1)(d) and (g), and (2) to (9);
 - (v) section 78;
 - (vi) section 79(1) to (5) and (6)(b);
 - (vii) section 80(1), (2)(a), (d) and (e), and (3) to (8);
 - (viii) section 81(4) and (7);
 - (ix) sections 82 and 85;
 - (x) section 83(3) to (5);
- (b) section 144 (treatment of convictions in other member States etc), so far as it relates to the provisions specified in sub-paragraph (d);
- (c) in section 177 (consequential etc amendments and transitional and saving provisions), subsection (2) so far as it relates to the provisions specified in sub-paragraph (e);
- (d) in Schedule 17 (treatment of convictions in other member States etc)—

(a) 2009 c.25; subsection (6) was inserted into section 182 by paragraph 103 of Schedule 14 to S.I. 2010/976, and relevant amendments are also made by paragraph 101 of that Schedule.

(b) Amendments to sections 74,75,77,78 and 83 are made by, respectively, paragraphs 94, 95, 96, 97 and 98 of Schedule 14 to S.I. 2010/976

- (i) paragraph 2 (evidence of bad character); and
- (ii) paragraphs 16 to 18 (proving of foreign convictions before courts in Northern Ireland);
- (e) in Schedule 22 paragraph 40 (transitional provisions in relation to treatment of convictions in other member States etc), so far as it relates to paragraphs 2, and 16 to 18 of Schedule 17.

3. The day appointed for the coming into force of the following provisions of the 2009 Act is 1st June 2011—

- (a) section 53 (persons suffering from diminished responsibility (Northern Ireland));
- (b) sections 54 and 55 (partial defence to murder; loss of control);
- (c) section 56(1) (abolition of common law defence of provocation);
- (d) section 56(2)(b) (repeal relating to abolition of common law defence of provocation);
- (e) section 58 (infanticide (Northern Ireland));
- (f) section 178, so far as it relates to the provisions specified in sub-paragraph (g);
- (g) in Part 2 of Schedule 23 (criminal offences), the repeal relating to the Criminal Justice Act (Northern Ireland) 1966.

Sealed with the Official Seal of the Department of Justice on 5 April 2011

(L.S.)

David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force in Northern Ireland certain provisions of the Coroners and Justice Act 2009 (c.25) (“the 2009 Act”).

The provisions of the 2009 Act set out in Article 2 come into force on 18th April 2011.

It brings into force most of the provisions in sections 74 to 83 and 85 which relate to investigation anonymity orders. The purpose of an order is to prohibit the disclosure of information relating to the identity of a specified person who is or was able or willing to assist a qualifying criminal investigation. The individual’s identity will be protected by a court order during the investigation and permanently thereafter.

It also brings into force section 144 of and part of Schedule 17 to the 2009 Act along with associated transitional provisions which relate to the treatment of criminal convictions imposed by courts outside England and Wales and Northern Ireland. Those provisions transpose in relation to Northern Ireland Council Framework Decision 2008/675/JHA of 24th July 2008 on taking account of convictions in Member States of the European Union in the course of criminal proceedings (OJ No L 220, 15.8.2008, p.32).

The provisions of the 2009 Act set out in Article 3 come into force on 1st June 2011.

These are provisions relating to murder and infanticide. These provisions amend the Criminal Justice Act (Northern Ireland) 1966 (c.20) in respect of the partial defence to murder of diminished responsibility (section 53); replace the common law partial defence to murder of provocation with the new partial defence of loss of control (sections 54 to 56); and amend the Infanticide Act (Northern Ireland) 1939 (c.5) so that the offence and defence of infanticide can only apply in circumstances where the relevant conduct would otherwise amount to the offence of murder or manslaughter (section 58).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2009 Act have been brought into force as regards Northern Ireland by commencement order made before the date of this Order;

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 60 and 61	01.02.2010	2010/145
Sections 62 to 71	06.04.2010	2010/816
Section 72	01.02.2010	2010/145
Section 113	06.04.2010	2010/816
Section 139	12.01.2010	2010/28
Section 141	01.02.2010	2010/145
Section 147	06.04.2010	2010/816
Section 155 to 172	06.04.2010	2010/816
Section 173 (partially)	01.02.2010	2010/145
	06.04.2010	2010/816
Section 174	01.02.2010	2010/145
Section 175 (partially)	01.02.2010	2010/145
	06.04.2010	2010/816

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