
STATUTORY INSTRUMENTS

2015 No. 774

CRIMINAL LAW

**The Offender Rehabilitation Act 2014
(Incidental Provision) Order 2015**

<i>Made</i>	- - - -	<i>18th March 2015</i>
<i>Laid before Parliament</i>		<i>20th March 2015</i>
<i>Coming into force</i>	- -	<i>13th April 2015</i>

The Secretary of State, in exercise of the power conferred by section 20(1) of the Offender Rehabilitation Act 2014⁽¹⁾, makes the following Order:

Citation and commencement

1. This Order may be cited as the Offender Rehabilitation Act 2014 (Incidental Provision) Order 2015 and comes into force on 13th April 2015.

Application of Article 22 of the Interpretation Act (Northern Ireland) 1954 to amendments made to Schedule 1 to the Crime (Sentences) Act 1997 by Schedule 3 to the Offender Rehabilitation Act 2014

2. The reference to ‘county court’ in the second column of the table in paragraph 9(11) of Schedule 1 to the Crime (Sentences) Act 1997⁽²⁾ shall be construed as if Article 22 (powers of appellate courts) of the Interpretation Act (Northern Ireland) 1954⁽³⁾ applies to it.

18th March 2015

Andrew Selous
Parliamentary Under Secretary of State
Ministry of Justice

(1) 2014 c. 11.
(2) 1997 c. 43. Paragraph 9(11) was inserted the Offender Rehabilitation Act 2014, Schedule 3, paragraph 5(5). There have been other amendments to Schedule 1 to the Crime Sentences Act 1997 that are not relevant to the subject matter of this Order.
(3) 1954 c. 33 (N.I.).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision which is incidental to the modifications to new section 256AC of the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”) made by paragraph 9(11) of Schedule 1 to the Crime (Sentences) Act 1997 (c. 43) in respect of transfers of prisoners from England and Wales to Northern Ireland. Paragraph 9(11) was inserted by Schedule 3 to the Offender Rehabilitation Act 2014 (c. 11) (“the Act”).

The Act amended the 2003 Act to create a new period of supervision for offenders with a sentence of more than 1 day but less than 2 years; and to set out the requirements which could be imposed as part of the supervision period. New section 256AC of the 2003 Act provides for what happens when an offender fails to comply with a supervision requirement; the offender may be brought before a magistrates’ court which has the power to commit the offender to prison, to order the offender to pay a fine, or to make a supervision default order. New section 256A(11) provides for the offender to appeal to the Crown Court against an order made by the magistrates’ court.

Paragraph 5 of Schedule 3 to the Act modifies new section 256AC of the 2003 Act in relation to its application to offenders who are transferred to Northern Ireland as restricted prisoners under Schedule 1 to the Crime (Sentences) Act 1997. In particular the reference to a magistrates’ court is read as a reference to a court of summary jurisdiction; and the reference to the Crown Court is read as a reference to the county court.

Article 2 of this Order provides that the ensuing reference to the county court is to be construed as if Article 22 of the Interpretation Act (Northern Ireland) 1954 (c. 33) applied to it. The effect is that the county court has the power to exercise all of the powers, authority and jurisdiction of the lower court and can confirm, reverse or vary the decision of the lower court, remit the appeal or make such order as to costs as it thinks proper.