STATUTORY RULES OF NORTHERN IRELAND

2013 No. 249

CRIMINAL PROCEDURE

The Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 2013

Made - - - -	*22nd October 2013*
Coming into operation -	*9th December 2013*

The Department of Justice makes the following Order in exercise of the powers conferred by section 35(4) of the Criminal Justice Act 1988(**a**) and now vested in it (**b**):

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 2013 and shall come into operation on 9 December 2013.

(2) "The 1988 Act" means the Criminal Justice Act 1988.

Part 4 of the 1988 Act

2. Part 4 of the 1988 Act (Reviews of Sentencing) shall apply to any case in which sentence is passed on a person tried on indictment for any offence under Section 170 of the Customs and Excise Management Act 1979 (Penalty for fraudulent evasion of duty, etc.)(**c**) in so far as it is in connection with the fraudulent evasion of duty payable on hydrocarbon oil or any of the other fuels as specified in the Hydrocarbon Oil Duties Act 1979(**d**), or, on tobacco products as specified in the Tobacco Products Duty Act 1979(**e**).

3. An offence described in paragraph 2 includes:

(a) an offence of attempting to commit any of the offences described in paragraph 2; or

(b) an offence under Part 2 of the Serious Crime Act 2007(**f**) (encouraging or assisting crime) in relation to which an offence in paragraph 2 is the offence (or one of the offences) which the person intended or believed would be committed.

(**a**) 1988 c.33; section 35 was amended by the Criminal Justice and Public Order Act 1994 (c.33), section 168(1) and Schedule 9, paragraph 34 and, in its application to Northern Ireland, section 35 was amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), article 12 and Schedule 14, paragraphs 29 and 30.

(**b**) Article 12 of and paragraphs 29 and 30 of Schedule 14 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976) transferred the functions of the Secretary of State under section 35(4) of the 1988 Act (in its application to Northern Ireland) to the Department of Justice in Northern Ireland.

(**c**) 1979 c.2

(**d**) 1979 c.5

(**e**) 1979 c.7

(**f**) 2007 c.27

Sealed with the Official Seal of the Department of Justice on 22nd October 2013



David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

Part 4 of the Criminal Justice Act 1988, as amended by the Justice (Northern Ireland) Act 2002, empowers the Director of Public Prosecutions for Northern Ireland ("the DPP"), with the leave of the Court of Appeal, to refer certain cases to that Court where the DPP considers that the sentences imposed were unduly lenient.

This Order extends the range of offences in respect of which that power may be exercised to include customs and excise offences under section 170 of the Customs and Excise Management Act 1979 relating to the fraudulent evasion of duty on hydrocarbon oil and other fuels specified in the Hydrocarbon Oil Duties Act 1979 or on tobacco products specified in the Tobacco Products Duty Act 1979.

This Order further specifies cases in which a sentence has been passed for attempting to commit these offences or for encouraging or assisting the commission of an offence under sections 44, 45 or 46 of the Serious Crime Act 2007.

© Crown copyright 2013

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 Acts of the Northern Ireland Assembly.

STATUTORY RULES OF NORTHERN IRELAND

2013 No. 249

CRIMINAL PROCEDURE

The Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 2013

ISBN 978-0-337-99205-6

9 780337 992056

£4.00

N5963 10/2013 435963T 19585