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Room 242  
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17 December 2020

Dear Christine,

### **CRIMINAL JUSTICE (COMMITTAL REFORM) BILL**

During the oral evidence session on 5 November, officials agreed to provide the following information:

- a list of offences that are triable only by indictment;
- clarification of whether the new domestic abuse offence provided for in the Domestic Abuse and Family Proceedings Bill will be subject to direct committal to the Crown Court under this legislation; and
- a paper detailing all the repeal provisions included in the Bill.

This information it provided in Annexes A to C respectively.



Department of  
**Justice**

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

[www.justice-ni.gov.uk](http://www.justice-ni.gov.uk)

The Department is happy to provide any additional information required by the Committee.

Yours sincerely,

**DALO**

## Offences that, in the case of an adult, are triable only on indictment

□ The embedded file below provides a list of offences that are currently defined as 'triable only on indictment'. This will be subject to ongoing review and may be subject to minor amendments as the programme of implementing direct committal is rolled out.

### OFFENCES TRIABLE ONLY ON INDICTMENT IN THE CROWN COURT

Offence description	Title of legislation (or Common law)	Provision (section / article etc.)
FAILURE OF COMMERCIAL ORGANISATION TO PREVENT BRIBERY (OFFENCES AFTER 1 JULY 2011)	Bribery Act 2011	Section 7
AFFRAY	Common Law	
CHEATING THE PUBLIC REVENUE	Common Law	
COMMITTING AN ACT OUTRAGING PUBLIC DECENCY	Common Law	
CONSPIRACY TO DEFRAUD	Common Law	
DOING AN ACT TENDING AND INTENDED TO PERVERT THE COURSE OF PUBLIC JUSTICE	Common Law	
FALSE IMPRISONMENT	Common Law	
INDECENT EXPOSURE	Common Law	
INTENTIONALLY ENCOURAGING OR ASSISTING RIOT	Common Law	
KEEPING A DISORDERLY HOUSE	Common Law	
KIDNAPPING	Common Law	
MISCONDUCT IN A PUBLIC OFFICE	Common Law	

MURDER	Common Law	
PERVERTING THE COURSE OF JUSTICE	Common Law	
PREVENTING THE LAWFUL BURIAL OF A CORPSE	Common Law	
RIOT	Common Law	
UNLAWFUL ASSEMBLY	Common Law	
MANSLAUGHTER	Common law and Criminal Justice Act (Northern Ireland) 1966	
CORPORATE MANSLAUGHTER	Corporate Manslaughter and Corporate Homicide Act 2007	Section 1
AIDING AND ABETTING ATTEMPTED MURDER	Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 and Common law	Article 3(1)
AIDING AND ABETTING ATTEMPTED RAPE	Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 and Common law	Article 3(1)
CRIMINAL DAMAGE - ENDANGERING LIFE - RECKLESS	Criminal Damage (Northern Ireland) Order 1977	Article 3(2)
CRIMINAL DAMAGE ENDANGERING LIFE WITH INTENT	Criminal Damage (Northern Ireland) Order 1977	Article 3(2)
ARSON BEING RECKLESS AS TO WHETHER LIFE WOULD BE ENDANGERED	Criminal Damage (Northern Ireland) Order 1977	Article 3(2) & (3)
ARSON ENDANGERING LIFE WITH INTENT	Criminal Damage (Northern Ireland) Order 1977	Article 3(2) & (3)
HIJACKING	Criminal Jurisdiction Act 1975	Section 2(1)(a)
HIJACKING BY COMPELLING PERSON TO ACT	Criminal Jurisdiction Act 1975	Section 2(1)(b)
MURDER (OFFENCE COMMITTED IN THE REPUBLIC OF IRELAND)	Criminal Jurisdiction Act 1975	
FALSE IMPRISONMENT (OFFENCE COMMITTED IN THE REPUBLIC OF IRELAND)	Criminal Jurisdiction Act 1975 and Common Law	Section 1

KIDNAPPING (OFFENCE COMMITTED IN THE REPUBLIC OF IRELAND)	Criminal Jurisdiction Act 1975 and Common Law	Section 1
CONSPIRACY TO DEFRAUD (STATUTS)	Criminal Justice (Serious Fraud)(Northern Ireland) Order 1988	Article 11

CHILD DESTRUCTION	Criminal Justice Act (Northern Ireland) 1945	Section 25
AIDING AND ABETTING SUICIDE	Criminal Justice Act (Northern Ireland) 1966	Section 13(1)
WITHHOLDING INFORMATION CONCERNING ARRESTABLE OFFENCE	Criminal Law Act (Northern Ireland) 1967	Section 5(1)
ALLOWING THE DEATH OF A CHILD OR VULNERABLE PERSON (FAILING TO PROTECT)	Domestic Violence, Crime and Victims Act 2004	Section 5
CAUSING THE DEATH OF A CHILD OR VULNERABLE PERSON (CAUSED BY OWN ACT)	Domestic Violence, Crime and Victims Act 2004	Section 5
CAUSING OR ALLOWING A CHILD OR VULNERABLE ADULT TO SUFFER SERIOUS PHYSICAL HARM	Domestic Violence, Crime and Victims Act 2004	Section 5(1)
CAUSING AN EXPLOSION LIKELY TO ENDANGER LIFE OR CAUSE SERIOUS INJURY TO PROPERTY	Explosive Substances Act 1883	Section 2
CONSPIRACY TO CAUSE EXPLOSION	Explosive Substances Act 1883	Section 3(1)(a)
DOING AN ACT WITH INTENT TO CAUSE AN EXPLOSION LIKELY TO ENDANGER LIFE OR CAUSE SERIOUS INJURY TO PROPERTY	Explosive Substances Act 1883	Section 3(1)(a)
MAKING EXPLOSIVES WITH INTENT TO ENDANGER LIFE	Explosive Substances Act 1883	Section 3(1)(b)
POSSESSING EXPLOSIVES WITH INTENT TO ENDANGER LIFE OR CAUSE SERIOUS INJURY TO PROPERTY	Explosive Substances Act 1883	Section 3(1)(b)
MAKING EXPLOSIVES UNDER SUSPICIOUS CIRCUMSTANCES	Explosive Substances Act 1883	Section 4(1)

POSSESSING EXPLOSIVES UNDER SUSPICIOUS CIRCUMSTANCES	Explosive Substances Act 1883	Section 4(1)
CARRYING FIREARM WITH INTENT TO COMMIT AN INDICTABLE OFFENCE	Firearms (Northern Ireland) Order 2004	Article 60
POSSESSING HANDGUN WITHOUT CERTIFICATE	Firearms (Northern Ireland) Order 2004	Article 3(1)(a)
POSSESSION OF A FIREARM DESIGNED OR ADAPTED SO THAT TWO OR MORE MISSILES CAN BE SUCCESSFULLY	Firearms (Northern Ireland) Order 2004	Article 45(1)(a)

DISCHARGED WITHOUT REPEATED PRESSURE ON THE TRIGGER		
POSSESSION ETC OF A PROHIBITED FIREARM AIRGUN	Firearms (Northern Ireland) Order 2004	Article 45(1)(aa)
POSSESSION ETC OF A PROHIBITED FIREARM RIFLE	Firearms (Northern Ireland) Order 2004	Article 45(1)(b)
POSSESSION ETC OF A PROHIBITED FIREARM (SELFLOADING)	Firearms (Northern Ireland) Order 2004	Article 45(1)(c)
POSSESSION ETC OF A PROHIBITED FIREARM (SMOOTHBORE REVOLVER)	Firearms (Northern Ireland) Order 2004	Article 45(1)(d)
POSSESSION ETC OF A PROHIBITED FIREARM (ROCKET LAUNCHER/MORTAR)	Firearms (Northern Ireland) Order 2004	Article 45(1)(e)
POSSESSION ETC OF A PROHIBITED AMMUNITION	Firearms (Northern Ireland) Order 2004	Article 45(1)(g)
Possession of a Firearm disguised as another object	Firearms (Northern Ireland) Order 2004	Article 45(2)(a)
POSSESS OF FIREARM WITH INTENT	Firearms (Northern Ireland) Order 2004	Article 58(1)
POSSESS OF FIREARM/IMITATION FIREARM WITH INTENT TO CAUSE FEAR OF VIOLENCE	Firearms (Northern Ireland) Order 2004	Article 58(2)
MAKING USE OF A FIREARM TO RESIST ARREST	Firearms (Northern Ireland) Order 2004	Article 59(1)

HAVING A FIREARM OR IMITATION FIREARM WHILST COMMITTING AN OFFENCE	Firearms (Northern Ireland) Order 2004	Article 59(2)
GENOCIDE	Genocide Act 1969	
HOLDING A PERSON IN SLAVERY OR SERVITUDE	Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015	Section 1(1)(a) and (6)
REQUIRING A PERSON TO PERFORM FORCED OR COMPULSORY LABOUR	Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015	Section 1(1)(b) and (6)
ARRANGING OR FACILITATING TRAVEL OF ANOTHER WITH A VIEW TO EXPLOITATION	Human Trafficking and Exploitation (Criminal Justice and Support for	Section 2

	Victims) Act (Northern Ireland) 2015	
HUMAN TRAFFICKING	Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015	Section 2(1)
POSSESSION OF FALSE IDENTITY DOCUMENT TO IMPROPERLY ALLOW ANOTHER TO OBTAIN PERSONAL INFORMATION	Identity Documents Act 2010	Section 4(1)(a)
POSSESSION OF FALSE IDENTITY DOCUMENT TO IMPROPERLY OBTAIN INFORMATION ABOUT ONESELF	Identity Documents Act 2010	Section 4(1)(a)
POSSESSION OF IDENTITY DOCUMENTS IMPROPERLY OBTAINED WITH IMPROPER INTENTION	Identity Documents Act 2010	Section 4(1)(b)
POSSESSION OF IDENTITY DOCUMENTS RELATING TO SOMEONE ELSE WITH IMPROPER INTENTION	Identity Documents Act 2010	Section 4(1)(c )
MAKING/POSSESSING APPARATUS DESIGNED OR ADAPTED FOR THE MAKING OF FALSE IDENTITY DOCUMENTS	Identity Documents Act 2010	Section 5

MAKING/POSSESSING ARTICLE OR MATERIAL DESIGNED OR ADAPTED FOR THE MAKING OF FALSE IDENTITY DOCUMENTS	Identity Documents Act 2010	Section 5
INFANTICIDE	Infanticide Act (Northern Ireland) 1939	Section 1
PLACING AN OBJECT ON A RAILWAY WITH INTENT TO OBSTRUCT OR OVERTHROW AN ENGINE	Malicious Damage Act 1861	Section 35
CAUSING GRIEVOUS BODILY HARM WITH INTENT TO RESIST APPREHENSION	Offences Against the Person Act 1861	Section 18
GRIEVOUS BODILY HARM WITH INTENT	Offences Against the Person Act 1861	Section 18
WOUNDING WITH INTENT TO DO GRIEVOUS BODILY HARM	Offences Against the Person Act 1861	Section 18
ATTEMPT TO CHOKER WITH INTENT TO COMMIT INDICTABLE OFFENCE	Offences Against the Person Act 1861	Section 21

ADMINISTERING POISON TO ENDANGER LIFE	Offences Against the Person Act 1861	Section 23
ADMINISTERING POISON TO AGGRIEVE	Offences Against the Person Act 1861	Section 24
USING CORROSIVE WITH INTENT TO CAUSE GRIEVOUS BODILY HARM	Offences Against the Person Act 1861	Section 29
FURIOUS DRIVING	Offences Against the Person Act 1861	Section 35
PROCURING FOR ANOTHER AN ABORTION BY ADMINISTERING A POISON	Offences Against the Person Act 1861	Section 58
PROCURING OWN ABORTION USING A POISON	Offences Against the Person Act 1861	Section 58
PROCURING OWN ABORTION USING AN INSTRUMENT	Offences Against the Person Act 1861	Section 58
SUPPLY OR PROCURE POISON WITH INTENT TO PROCURE ABORTION	Offences Against the Person Act 1861	Section 59



SUPPLYING SUBSTANCE ETC. TO PROCURE ABORTION	Offences Against the Person Act 1861	Section 59
CONCEALMENT OF BIRTH	Offences Against the Person Act 1861	Section 60
SOLICITING TO MURDER	Offences Against the Person Act 1861 and Common Law	Section 4
PERJURY BY WITNESS	Perjury (Northern Ireland) Order 1979	Article 3
TENDERING FALSE STATEMENT IN EVIDENCE	Perjury (Northern Ireland) Order 1979	Article 4(1)
BEING UNLAWFULLY AT LARGE WHILE UNDER SENTENCE	Prison Act (Northern Ireland) 1953	Section 25
ESCAPING FROM LAWFUL CUSTODY AFTER CONVICTION	Prison Act (Northern Ireland) 1953	Section 26(a)
ESCAPING FROM LAWFUL CUSTODY	Prison Act (Northern Ireland) 1953	Section 26(b)
ESCAPING FROM PRISON OR LOCKUP WHERE LAWFULLY CONFINED	Prison Act (Northern Ireland) 1953	Section 26(b)
ESCAPING FROM LAWFUL CUSTODY	Prison Act (Northern Ireland) 1953	Section 26(c )
ESCAPING FROM LAWFUL CUSTODY ELSEWHERE	Prison Act (Northern Ireland) 1953	Section 26(c )

ASSISTING ESCAPE FROM LAWFUL CUSTODY	Prison Act (Northern Ireland) 1953	Section 29(1)
FACILITATING ESCAPE BY CONVEYING THINGS INTO PRISON	Prison Act (Northern Ireland) 1953	Section 33(1)(a)
FACILITATING ESCAPE BY CAUSING ANOTHER TO CONVEY THINGS INTO PRISON	Prison Act (Northern Ireland) 1953	Section 33(1)(b)
FACILITATING ESCAPE BY GIVING THINGS TO A PRISONER	Prison Act (Northern Ireland) 1953	Section 33(1)(c )
CONVEYING A LIST A ARTICLE INTO OR OUT OF A PRISON	Prison Act (Northern Ireland) 1953	Section 34A(1)(a)
CAUSING A LIST A ARTICLE TO BE CONVEYED INTO OR OUT OF PRISON	Prison Act (Northern Ireland) 1953	Section 34A(1)(b)

THROWING PETROL BOMB	Protection of the Person and Property Act (Northern Ireland) 1969	Section 3
CAUSING DEATH BY DANGEROUS DRIVING	Road Traffic (Northern Ireland) Order 1995	Article 9
CAUSING GRIEVOUS BODILY INJURY BY DANGEROUS DRIVING	Road Traffic (Northern Ireland) Order 1995	Article 9
CAUSING DEATH BY DRIVING CARELESSLY WHEN UNFIT	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(a)
CAUSING DEATH BY INCONSIDERATE DRIVING WHEN UNFIT	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(a)
CAUSING GRIEVOUS BODILY INJURY BY DRIVING CARELESSLY WHEN UNFIT	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(a)
CAUSING GRIEVOUS BODILY INJURY BY INCONSIDERATE DRIVING WHEN UNFIT	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(a)
CAUSING DEATH BY DRIVING CARELESSLY WITH EXCESS ALCOHOL	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(b)
CAUSING DEATH BY INCONSIDERATE DRIVING WITH EXCESS ALCOHOL	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(b)
CAUSING GRIEVOUS BODILY INJURY BY DRIVING CARELESSLY WITH EXCESS ALCOHOL	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(b)
CAUSING GRIEVOUS BODILY INJURY BY INCONSIDERATE DRIVING WITH EXCESS ALCOHOL	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(b)

CAUSING DEATH BY DRIVING CARELESSLY AND FAILING TO PROVIDE SPECIMEN	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(c )
CAUSING DEATH BY INCONSIDERATE DRIVING AND FAILING TO PROVIDE SPECIMEN	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(c )
CAUSING GRIEVOUS BODILY INJURY BY DRIVING CARELESSLY AND FAILING TO GIVE PERMISSION FOR A LABORATORY TEST OF SPECIMEN OF BLOOD	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(c )

CAUSING GRIEVOUS BODILY INJURY BY DRIVING CARELESSLY AND FAILING TO PROVIDE SPECIMEN	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(c)
CAUSING GRIEVOUS BODILY INJURY BY INCONSIDERATE DRIVING AND FAILING TO PROVIDE SPECIMEN	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(c)
CAUSING DEATH BY DRIVING CARELESSLY AND FAILING TO GIVE PERMISSION FOR A LABORATORY TEST OF SPECIMEN OF BLOOD	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(d)
CAUSING DEATH BY INCONSIDERATE DRIVING AND FAILING TO GIVE PERMISSION FOR A LABORATORY TEST OF SPECIMEN OF BLOOD	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(d)
CAUSING GRIEVOUS BODILY INJURY BY INCONSIDERATE DRIVING AND FAILING TO GIVE PERMISSION FOR A LABORATORY TEST OF SPECIMEN OF BLOOD	Road Traffic (Northern Ireland) Order 1995	Article 14(1)(d)
AGGRAVATED VEHICLE TAKING CAUSING GRIEVOUS BODILY INJURY OR DEATH	Road Traffic (Northern Ireland) Order 1981	Article 172B(1)
RAPE (OFFENCES AFTER 01/02/09)	Sexual Offences (Northern Ireland) Order 2008	Article 5(1)
RAPE (EXTRA TERRITORIAL OFFENCES AFTER 01/02/09)	Sexual Offences (Northern Ireland) Order 2008	Article 5(1) & 76(1)
INTENTIONALLY ENCOURAGING OR ASSISTING RAPE (OFFENCES AFTER 01/02/09)	Sexual Offences (Northern Ireland) Order 2008	Article 5(1)
SEXUAL ASSAULT BY PENETRATION (OFFENCES AFTER 01/02/09)	Sexual Offences (Northern Ireland) Order 2008	Article 6(1)
SEXUAL ASSAULT BY PENETRATION (EXTRA TERRITORIAL OFFENCES AFTER 01/02/09)	Sexual Offences (Northern Ireland) Order 2008	Article 6(1) and 76(1)
RAPE OF A CHILD UNDER 13 (OFFENCES AFTER 01/02/09)	Sexual Offences (Northern Ireland) Order 2008	Article 12(1)

SEXUAL ASSAULT OF CHILD UNDER 13 BY PENETRATION (OFFENCES AFTER 01/02/09)	Sexual Offences (Northern Ireland) Order 2008	Article 13
CAUSING OR INCITING CHILD UNDER 13 TO ENGAGE IN SEXUAL ACTIVITY INVOLVING PENETRATION (OFFENCES AFTER 01/02/09)	Sexual Offences (Northern Ireland) Order 2008	Article 15(1)
CAUSING OR INCITING CHILD UNDER 13 TO ENGAGE IN SEXUAL ACTIVITY INVOLVING PENETRATION (OFFENCES AFTER 01/02/09)	Sexual Offences (Northern Ireland) Order 2008	Article 15(1)
CAUSING OR INCITING A CHILD UNDER 13 YEARS TO ENGAGE IN SEXUAL ACTIVITY INVOLVING PENETRATION	Sexual Offences (Northern Ireland) Order 2008	Article 15(2)
SEXUAL ACTIVITY INVOLVING PENETRATION BY ADULT WITH A CHILD BETWEEN 13 AND 16 YEARS (OFFENCES AFTER 01/02/09)	Sexual Offences (Northern Ireland) Order 2008	Article 16(2)
SEXUAL ACTIVITY INVOLVING PENETRATION BY ADULT WITH A CHILD BETWEEN 13 AND 16 YEARS (OFFENCES AFTER 01/02/2009)	Sexual Offences (Northern Ireland) Order 2008	Article 16(2)
SEXUAL ACTIVITY INVOLVING PENETRATION BY ADULT WITH A CHILD UNDER 13 YEARS (OFFENCES AFTER 01/02/09)	Sexual Offences (Northern Ireland) Order 2008	Article 16(2)
SEXUAL ACTIVITY INVOLVING PENETRATION OUTSIDE THE UNITED KINGDOM BY ADULT WITH A CHILD BETWEEN 13 AND 16 YEARS	Sexual Offences (Northern Ireland) Order 2008	Article 16(2) and 76(1)
SEXUAL ACTIVITY WITH A CHILD UNDER 13 INVOLVING PENETRATION (EXTRA TERRITORIAL)	Sexual Offences (Northern Ireland) Order 2008	Article 16(2) and 76(1)
ADULT CAUSING OR INCITING CHILD BETWEEN 13 AND 16 TO ENGAGE IN SEXUAL ACTIVITY INVOLVING	Sexual Offences (Northern Ireland) Order 2008	Article 17(1) and 76(1)
PENETRATION OUTSIDE THE UNITED KINGDOM		

ADULT CAUSING OR INCITING CHILD BETWEEN 13 AND 16 TO ENGAGE IN SEXUAL ACTIVITY INVOLVING PENETRATION (OFFENCES AFTER 01.02.09)	Sexual Offences (Northern Ireland) Order 2008	Article 17(2)
ADULT CAUSING OR INCITING CHILD BETWEEN 13 AND 16 TO ENGAGE IN SEXUAL ACTIVITY INVOLVING PENETRATION (OFFENCES AFTER 1.2.09)	Sexual Offences (Northern Ireland) Order 2008	Article 17(2)
ADULT CAUSING OR INCITING CHILD UNDER 13 TO ENGAGE IN SEXUAL ACTIVITY INVOLVING PENETRATION (OFFENCES AFTER 01.02.09)	Sexual Offences (Northern Ireland) Order 2008	Article 17(2)
ADULT CAUSING OR INCITING CHILD UNDER 13 TO ENGAGE IN SEXUAL ACTIVITY INVOLVING PENETRATION (OFFENCES AFTER 01/02/2009)	Sexual Offences (Northern Ireland) Order 2008	Article 17(2)
SEXUAL ACTIVITY WITH A CHILD FAMILY MEMBER INVOLVING PENETRATION	Sexual Offences (Northern Ireland) Order 2008	Article 32(1)
ADULT INCITING CHILD FAMILY MEMBER TO ENGAGE IN SEXUAL ACTIVITY WITH PENETRATION	Sexual Offences (Northern Ireland) Order 2008	Article 33
PAYING FOR THE SEXUAL SERVICES OF A CHILD BETWEEN 13 AND 16 YEARS INVOLVING PENETRATION	Sexual Offences (Northern Ireland) Order 2008	Article 37
PAYING FOR THE SEXUAL SERVICES OF A CHILD UNDER 13 INVOLVING PENETRATION	Sexual Offences (Northern Ireland) Order 2008	Article 37
SEXUAL ACTIVITY INVOLVING PENETRATION BY ADULT WITH A PERSON WITH A MENTAL DISORDER IMPEDING CHOICE	Sexual Offences (Northern Ireland) Order 2008	Article 43
CAUSING OR INCITING A PERSON, WITH A MENTAL DISORDER IMPEDING CHOICE, TO ENGAGE IN SEXUAL ACTIVITY (WITH PENETRATION)	Sexual Offences (Northern Ireland) Order 2008	Article 44
SEXUAL ACTIVITY INVOLVING PENETRATION BY A CARE WORKER WITH A PERSON WITH A MENTAL DISORDER	Sexual Offences (Northern Ireland) Order 2008	Article 51(3)

CAUSING OR INCITING SEXUAL ACTIVITY INVOLVING PENETRATION WHERE A PERSON HAS A MENTAL DISORDER AND WHERE INVOLVED IN THEIR CARE	Sexual Offences (Northern Ireland) Order 2008	Article 52
ASSAULT WITH INTENT TO COMMIT RAPE OR ASSAULT BY PENETRATION (OFFENCES AFTER 01.02.09)	Sexual Offences (Northern Ireland) Order 2008	Article 66(3)
KIDNAPPING/FALSE IMPRISONMENT WITH INTENT TO COMMIT A SEXUAL OFFENCE (OFFENCES AFTER 01.02.09)	Sexual Offences (Northern Ireland) Order 2008	Article 66(3)
TRESPASS WITH INTENT TO COMMIT RAPE OR ASSAULT BY PENETRATION (OFFENCES AFTER 01/02/09)	Sexual Offences (Northern Ireland) Order 2008	Article 67
TRAFFICKING INTO THE UK FOR SEXUAL EXPLOITATION	Sexual Offences Act 2003	Section 57(1)(a)
TRAFFICKING INTO THE UK FOR SEXUAL EXPLOITATION (FACILITATING ANOTHER)	Sexual Offences Act 2003	Section 57(1)(b)
TRAFFICKING WITHIN THE UK FOR PURPOSES OF SEXUAL EXPLOITATION	Sexual Offences Act 2003	Section 58(1)
TRAFFICKING WITHIN THE UK FOR PURPOSES OF SEXUAL EXPLOITATION (BY ANOTHER)	Sexual Offences Act 2003	Section 58(1)
TRAFFICKING OUT OF THE UK FOR THE PURPOSES OF SEXUAL EXPLOITATION	Sexual Offences Act 2003	Section 59(1)
SOLICITOR PRACTISING WHILE BANKRUPT	Solicitors (Northern Ireland) Order 1976	Article 21
HOSTAGE TAKING	Taking of Hostages Act 1982	Section 1
DIRECTING TERRORIST ORGANISATION	Terrorism Act 2000	Section 56(1)
INCITING AN ACT OF TERRORISM OUTSIDE THE UNITED KINGDOM	Terrorism Act 2000	Section 60(1)
PREPARATION OF TERRORIST ACTS	Terrorism Act 2006	Section 5(1)
AIDING AND ABETTING ATTEMPTED ROBBERY	Theft Act (Northern Ireland) 1969	Section 8(1)

INTENTIONALLY ENCOURAGING OR ASSISTING ROBBERY	Theft Act (Northern Ireland) 1969	Section 8(1)
ROBBERY	Theft Act (Northern Ireland) 1969	Section 8(1)
ASSAULT WITH INTENT TO ROB	Theft Act (Northern Ireland) 1969	Section 8(2)
BURGLARY WITH INTENT TO COMMIT GRIEVOUS BODILY HARM	Theft Act (Northern Ireland) 1969	Section 9
BURGLARY WITH INTENT TO COMMIT RAPE	Theft Act (Northern Ireland) 1969	Section 9(1)(a)
BURGLARY - ATTEMPTING TO INFLICT GRIEVOUS BODILY HARM	Theft Act (Northern Ireland) 1969	Section 9(1)(b)
BURGLARY - INFLICTING GRIEVOUS BODILY HARM	Theft Act (Northern Ireland) 1969	Section 9(1)(b)
AGGRAVATED BURGLARY AND ATTEMPTING TO INFLICT GBH	Theft Act (Northern Ireland) 1969	Section 10(1)
AGGRAVATED BURGLARY AND ATTEMPTING TO STEAL	Theft Act (Northern Ireland) 1969	Section 10(1)
AGGRAVATED BURGLARY AND INFLICTING GRIEVOUS BODILY HARM	Theft Act (Northern Ireland) 1969	Section 10(1)
AGGRAVATED BURGLARY AND STEALING	Theft Act (Northern Ireland) 1969	Section 10(1)
AGGRAVATED BURGLARY WITH INTENT TO COMMIT GRIEVOUS BODILY HARM	Theft Act (Northern Ireland) 1969	Section 10(1)
AGGRAVATED BURGLARY WITH INTENT TO COMMIT UNLAWFUL DAMAGE	Theft Act (Northern Ireland) 1969	Section 10(1)
AGGRAVATED BURGLARY WITH INTENT TO INFLICT GRIEVOUS BODILY HARM	Theft Act (Northern Ireland) 1969	Section 10(1)
AGGRAVATED BURGLARY WITH INTENT TO STEAL	Theft Act (Northern Ireland) 1969	Section 10(1)
BLACKMAIL	Theft Act (Northern Ireland) 1969	Section 20
USING SOMEONE TO MIND A WEAPON	Violent Crime Reduction Act 2006	Article 51 and Paragraph 1(1)

## **Annex B Domestic Abuse Offence**

- If successful the Criminal Justice (Committal Reform) Bill will remove oral evidence from the traditional committal hearing. This will apply to any new offences to be brought forward by the Domestic Abuse and Family Proceedings Bill or the upcoming Protection from Stalking Bill.
- The new offences proposed in these Bills can be tried in both the magistrates' courts and Crown Court as appropriate. This means that they will not fall under the direct committal provisions currently outlined in the Criminal Justice (Committal Reform) Bill.
- However, the Criminal Justice (Committal Reform Bill) includes provisions for other offences to be added to those that would be eligible for direct committal under the Bill. The new offences in the Domestic Abuse and Family Proceedings and Protection from Stalking Bills can, therefore, be added at a later date, if required, by way of 'Draft Affirmative Order'.
- It is the Department's intention that direct committal will ultimately apply to all offences to be tried in the Crown Court.

## **Annex C Repeals**

The following information provides details on the repeals set out in the Bill. High level detail on the main reasons for each repeal is included.

### **Repeals in the body of the Criminal Justice (Committal Reform) Bill**

**Clause 1** - Article 30 of the Magistrates' Courts (Northern Ireland) Order 1981 (which enables a magistrates' court to conduct a preliminary investigation ("PI") of an indictable offence) is repealed.



**Clause 2** - Article 34(2) of the Magistrates' Courts (Northern Ireland) Order 1981 (which enables witnesses to give evidence on oath at a preliminary inquiry ("PE")) is repealed.

**Clause 4(3)** - section 10 of the Justice Act (Northern Ireland) 2015 (which concerns direct committal where an indication by an accused of an intention to plead guilty) is repealed.

**Clause 4(11)** - section 57 of the Justice Act (Northern Ireland) 2016 is repealed. Section 57 amended section 9 of the 2015 Act and this Bill amends section 9 again so section 57 is repealed.

## **Repeals in the Schedule to the Bill**

Paragraphs 1-4 relate to changes in wording.

### **Paragraph 5**

Section 4(3) of the Criminal Jurisdiction Act 1975 is repealed. Section 4(3) deals with extra-territorial offences and objection to a PE as opposed to a PI which is no longer appropriate as PIs are abolished by the Bill in any event.

Section 10 of Criminal Jurisdiction Act 1975 (which concerns evidence on committal for trial) is repealed.

### **Paragraph 6**

In Section 41(2)(b) of the Criminal Appeal (Northern Ireland) Act 1980, the words "preliminary investigation or" are repealed.

### **Paragraph 7**

In Article 29(2)(b) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 the words "the depositions taken at the preliminary investigation or, as the case may be," and ", and any depositions taken," are repealed.

### **Paragraph 8**

Article 31 of the Magistrates' Courts (Northern Ireland) Order 1981 which deals with the power to conduct a PE is repealed. The Bill means that a traditional committal hearing can only be by way of PE.

Article 32(3) of the Magistrates' Courts (Northern Ireland) Order 1981 is repealed. It says "the prosecution may withdraw the request for, and the accused may object to, the conducting of a preliminary inquiry at any time up to the commencement of such inquiry." However the Bill means that a traditional committal hearing can only be by way of PE.

Article 32(4)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 is repealed. It concerns an accused understanding the effect of proceeding by way of preliminary inquiry. However the Bill means that a traditional committal hearing can only be by way of PE.

Art 37(1) of the Magistrates' Courts (Northern Ireland) Order 1981 is repealed as it deals with the conduct of a PI. It says "subject to this Order, and any other enactment relating to the summary trial of indictable offences, where the court conducting the preliminary investigation is of opinion after taking into account any statement of the accused and any evidence given by him or on his behalf that the evidence is sufficient to put the accused upon trial by jury for any indictable offence it shall commit him for trial; and, if it is not of that opinion, it shall, if he is in custody for no cause other than the offence which is the subject of the investigation, discharge him."

Paragraph 3 of Schedule 5 to the Magistrates' Courts (Northern Ireland) Order 1981 is repealed which says "references in any enactment to the preliminary investigation of an indictable offence shall be construed as including references to a preliminary inquiry."

### **Paragraph 9**

In Article 58(7) *The Mental Health (Northern Ireland) Order 1986 (NI 4)* the words

“preliminary investigation or” are repealed.

### **Paragraph 10**

Article 3(1)(c)(i) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 is repealed as it mentions the hearing of evidence for the prosecution where the court is conducting a PI.

### **Paragraph 11**

Article 80A(4)(a) of the Police and Criminal Evidence (Northern Ireland) Order 1989 which deals with evidence through live links in PIs & PEs is repealed.

Article 81(1A)(c) - of the Police and Criminal Evidence (Northern Ireland) Order 1989 which deals with evidence through live links in PIs & PEs in juvenile courts is repealed.

Article 81A(10) of the Police and Criminal Evidence (Northern Ireland) Order 1989 is repealed. It says “a magistrates’ court conducting a preliminary investigation or a preliminary inquiry may consider any video recording as respects which leave under paragraph (2) is to be sought at the trial, notwithstanding that the child witness is not called at the committal proceedings.”

### **Paragraph 12**

Article 4(2)(a) of the Children’s Evidence (Northern Ireland) Order 1995 is repealed as it concerns notice of transfer before the conduct of a preliminary investigation.

### **Paragraph 13**

Article 9(1) of the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10), the words “investigation or” are repealed.

### **Paragraph 14**

Article 23 of the Criminal Justice (Children) (Northern Ireland) Order 1998 which concerns evidence of a child in committal proceedings for violent or sexual offences is repealed.

Paragraph 18 of Schedule 5 to Criminal Justice (Children) (Northern Ireland) Order 1998 is repealed as it concerns Article 30 (1) of the Magistrates' Courts (Northern Ireland) Order 1981 which is repealed by this Bill.

**Paragraph 15**

Article 15(10) of the Criminal Evidence (Northern Ireland) Order 1999 which concerns video recorded evidence in chief in PIs & PEs is repealed.

**Paragraph 16**

Article 10(2)(c) of the Criminal Justice (Northern Ireland) Order 2004 which concerns live links in criminal proceedings in PIs & PEs is repealed.

**Paragraph 17**

Section 3 of the Justice and Security (Northern Ireland) Act 2007 is repealed as it deals with if the prosecution requests the court to conduct a preliminary inquiry however under this Bill this will not be necessary.

**Paragraph 18 –**

Chapter 1 of Part 2 of the Justice Act (Northern Ireland) 2015 which concern restrictions on holding PIs and mixed committals is repealed.

Section 49(12) of the Justice Act (Northern Ireland) 2015 which concerns live links at committal proceedings is repealed.

Part 2 of Schedule 9 to the Justice Act (Northern Ireland) 2015 which deals with repeals linked to restrictions on holding PIs and mixed committals in the 2015 Act is repealed.