



Northern Ireland  
Assembly

Justice Bill

Annotated Marshalled List of Amendments  
Further Consideration Stage

Tuesday 16 and Monday 22 June 2015

Amendments tabled up to 9.30am Thursday, 11 June 2015 and selected for debate

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**Amendment 1** [Made]

**Clause 6**, Page 4, Line 40

At end insert -

‘(2) The Department may by order make such supplementary, incidental or consequential provision as it considers appropriate in consequence of, or for giving full effect to, this Part.

(3) An order under subsection (2) may amend, repeal, revoke or otherwise modify any statutory provision.’

*Minister of Justice*

**Amendment 2** [Made]

**Clause 7**, Page 5

Leave out lines 7 to 12 and insert -

‘7.—(1) The Magistrates’ Courts (Northern Ireland) Order 1981 is amended as set out in subsections (2) to (5).

(2) After Article 29 insert—

### **‘Committal proceedings for indictable offences**

29A.—(1) Committal proceedings in a magistrates’ court in relation to an indictable offence are to be conducted—

- (a) in a case where the court directs under this Article that a preliminary investigation is to be held, by way of a preliminary investigation;
- (b) in all other cases, by way of a preliminary inquiry.

(2) An accused may apply to the court for a direction that a preliminary investigation is to be held.

(3) Magistrates’ court rules may make provision in relation to an application under paragraph (2), including provision—

- (a) for an application to set out the grounds on which the application is made and contain such other information as may be prescribed;
- (b) requiring an application to be made before a prescribed time;
- (c) for the procedure to be followed in determining the application (including provision for representations to be made to the court by the prosecution or the accused).

(4) The court, after considering the application and any representations made to the court, may direct the holding of a preliminary investigation if (and only if) the court is satisfied that a preliminary investigation is required in the interests of justice.

(5) In determining an application under paragraph (2) the court shall in particular have regard to—

- (a) the nature of the offence or offences charged;
- (b) the interests of the persons likely to be witnesses at a preliminary investigation.”.

(3) In Article 30 (preliminary investigation) for paragraph (1) substitute—

“(1) This Article applies where committal proceedings are conducted by way of a preliminary investigation following a direction under Article 29A.”.

(4) Omit Article 31 (preliminary inquiry at request of prosecution).

(5) In Article 32 (preliminary inquiry: service of documents)—

(a) in paragraph (1) for the words from the beginning to the end of sub-paragraph (a) substitute—

“(1) A reasonable time before the day fixed for the conduct of committal proceedings, the prosecution shall—

- (a) provide the clerk of petty sessions with copies of the documents mentioned in sub-paragraph (b); and”;

(b) in paragraph (1)(b) omit—

- (i) the words “a copy of that notice together with”; and
- (ii) the words “a reasonable time before the day fixed for the conduct of the preliminary inquiry”;

(c) omit paragraph (3).

(6) In section 4 of the Criminal Jurisdiction Act 1975 (trial of extra-territorial offences) for subsection (3) substitute—

“(3) Where a person is charged with an extra-territorial offence so much of Article 29A of the Magistrates’ Courts (Northern Ireland) Order 1981 as affords to the accused a right to apply for a direction that a preliminary investigation is to be held shall not apply, and the procedure shall be by way of preliminary inquiry under that Order, and not by way of preliminary investigation.”.

(7) Section 3 of the Justice and Security (Northern Ireland) Act 2007 (committal proceedings for trial without a jury) is repealed.’

*Minister of Justice*

**Amendment 3** [Made]

**Clause 8, Page 5**

Leave out lines 14 to 16 and insert -

‘8.—(1) Article 34 of the Magistrates’ Courts (Northern Ireland) Order 1981 (giving of evidence on oath at preliminary inquiry) is amended as follows.

(2) After paragraph (1) insert—

“(1A) The prosecution or the accused may apply to the court for leave to require a person to attend and give evidence on oath in accordance with paragraph (2).

(1B) Magistrates’ court rules may make provision in relation to an application under paragraph (1A), including provision—

- (a) for an application to set out the grounds on which the application is made and contain such other information as may be prescribed;
- (b) requiring an application to be made before a prescribed time;
- (c) for the procedure to be followed in determining the application (including provision for representations to be made to the court by the prosecution or the accused).

(1C) The court, after considering the application and any representations made to the court, may give leave to the applicant if (and only if) the court is satisfied that the interests of justice require it.

(1D) In determining an application under paragraph (1A) the court shall in particular have regard to—

- (a) the nature of the offence or offences charged;
- (b) the interests of the persons likely to be required to give evidence at the preliminary inquiry.

(1E) Where leave is granted to one party under paragraph (1C), the court may (without any application) grant leave to the other party to require a person to attend and give evidence on oath in accordance with paragraph (2).”.

(3) In paragraph (2) for the words from the beginning to “may each require” substitute “The court (of its own motion), the prosecution (if granted leave under paragraph (1C) or (1E)) and the accused (if granted such leave) may each require”.’

*Minister of Justice*

**Amendment 4** [Not called]

**Clause 8, Page 5, Line 16**

After ‘justice’ insert ‘, with the presumption of exemption from giving evidence on oath to a vulnerable witness; a victim of rape or a violent sexual assault unless deemed that exceptional circumstances exist’

*Mr Raymond McCartney*

*Mr Seán Lynch*

*Mr Chris Hazzard*

**Amendment 5** [Made]

**Clause 48**, Page 35, Line 1

Leave out subsections (2) to (4) and insert -

‘(2) In Article 49 (1) (interpretation of Part 3)—

(a) after the definition of “agencies” insert—

“ “child” means a person under the age of 18;

“conviction” includes—

(i) a conviction by or before a court outside Northern Ireland;

(ii) any finding (other than a finding linked with a finding of insanity) in any criminal proceedings that a person has committed an offence or done the act or made the omission charged;

(iii) a caution given to a person in respect of an offence which, at the time when the caution was given, the person has admitted;”;

(b) after the definition of “specified” insert—

“ “relevant previous conviction”, in relation to a person, means a conviction for a sexual or violent offence by reason of which the person falls within a specified description of persons;”.

(3) In Article 50 (guidance to agencies on assessing and managing certain risks to the public) after paragraph (2) insert—

“(2A) Guidance under this Article must contain provisions about arrangements for considering the disclosure, to any particular member of the public, of information concerning any relevant previous convictions of a person where it is necessary to protect a particular child or particular children from serious harm caused by that person; and the guidance may, in particular, contain provisions for the purpose of preventing a member of the public from disclosing that information to any other person.”.

(4) In Article 50(3) for “Paragraph (2) does” substitute “Paragraphs (2) and (2A) do”.’

*Minister of Justice*

**Amendment 6** [Made]

**New Clause**

After clause 81 insert -

**‘Unpaid community service after early release**

**81A.** In Article 19 of the Criminal Justice (Northern Ireland) Order 2008 after paragraph (1) insert—

“(1A) The Department may by regulations, having consulted the Probation Board, provide for a community service scheme, under which a person released under paragraph (1) may be required to engage in unpaid community service for the remaining period of the fixed term they would have served but for their early release.”.’

*Mr Alastair Ross*

**Amendment 7** [Negatived on division by a cross-community vote]

**New Clause**

After clause 89 insert -

**‘Sentencing for violent offences against older people**

**89A.**—(1) This section applies where an individual is convicted of a violent offence and that individual was aged 18 or over when the offence was committed.

(2) The court shall impose a custodial sentence for a term of at least seven years (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(3) For the purposes of this section “violent offence” means an offence which leads or is intended or likely to lead to the death of a person aged 65 years or more or to physical injury to a person aged 65 years or more and includes an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).

(4) If there are exceptional circumstances which justify—

(a) the imposition of a lesser sentence than that provided for under subsection (2), or

(b) the exercise by the court of its powers under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968,

the court shall state in open court that it is of the opinion that such exceptional circumstances exist and the reasons for that opinion.

(5) Where subsection (4) applies the Chief Clerk shall record both the opinion of the court that exceptional circumstances exist and the reasons stated in open court which justify either the imposition of a lesser sentence or the exercise of its powers under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 as the case may be.

(6) For the purposes of subsection (2) “custodial sentence” shall not include a sentence in relation to which the court has made an order under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968.

(7) For the avoidance of doubt, an offence falling within the definition of subsection (3) is a violent offence for the purposes of this section whether or not there is evidence that any individual who is convicted of such an offence knew or suspected that any person who dies or sustains physical injury, or any person who is intended or likely to die or sustain physical injury, is aged 65 years or more.

(8) In section 36 (reviews of sentencing) of the Criminal Justice Act 1988 in subsection (9)(d) after “2015” insert the words—

“and a sentence required to be imposed by virtue of section 89A of the Justice Bill 2015”.’

*Mr Edwin Poots*

*Mr Paul Givan*

**Amendment 8** [Made]

**Clause 90**, Page 65, Line 7

Leave out from beginning to ‘magistrates’ court’ on line 8 and insert ‘In relation to criminal proceedings in the Crown Court or a magistrates’ court, it is the duty of the court, the prosecution and the defence’

*Minister of Justice*

**Amendment 9** [Made]

**New Clause**

After clause 95 insert -

*‘Domestic violence protection notices and orders*

**Domestic violence protection notices and orders**

**95A.** Schedule 6A (which makes provision about domestic violence protection notices and orders) has effect.’

*Minister of Justice*

**Amendment 10** [Made]

**New Clause**

After clause 98 insert -

*‘Amendment to Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*

**Amendment to Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015**

**98A.**—(1) Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (independent guardian) is amended as follows.

(2) In subsection (4) for paragraph (a) (which requires arrangements to be made with a charity registered under the Charities Act (Northern Ireland) 2008) substitute—

“(a) be made with a charity;”.

(3) In subsection (11) (definitions) after the definition of “administrative decision” insert—

“ “charity” means an institution which is—

(a) a charity within the meaning of section 1 of the Charities Act (Northern Ireland) 2008 or treated as such a charity by virtue of the Charities Act 2008 (Transitional Provision) Order (Northern Ireland) 2013;

- (b) a charity within the meaning of section 1 of the Charities Act 2011; or
- (c) a charity within the definition set out in section 106 of the Charities and Trustee Investment (Scotland) Act 2005;”.

*Minister of Justice*

**Amendment 11** [Withdrawn]

**New Clause**

After clause 98 insert -

*‘Amendments to the Firearms (Northern Ireland) Order 2004*

**Amendments to the Firearms (Northern Ireland) Order 2004: firearm certificates**

**98A.**—(1) The Firearms (Northern Ireland) Order 2004 is amended as follows.

(2) In Article 11 (variation of firearm certificate), at the end insert—

“(1) If a person—

(a) sells a rifle (“the first rifle”) to the holder of a firearms dealer's certificate (“the dealer”); and

(b) as part of the same transaction purchases a rifle (“the second rifle”) from him, the dealer may vary that person's firearm certificate by substituting the second rifle for the first rifle in accordance with the prescribed bands contained in Schedule 9 to this Order.

(2) The Secretary of State may introduce additional calibres to the bands contained in Schedule 9 if it is considered appropriate to do so for the purposes of improving the variation process.”.

(3) For Schedule 6 (Fees), substitute the Schedule set out in Schedule 6B to this Act.

(4) After Schedule 8, insert as Schedule 9 (Bands) the Schedule set out in Schedule 6C to this Act.’

*Mr Paul Frew*

*Mr Edwin Poots*

*Mr Patsy McGlone*

**Amendment 12** [Not moved]

**New Clause**

After clause 98 insert -

**‘Amendments to the Firearms (Northern Ireland) Order 2004: young shooters**

**98B.** In the Firearms (Northern Ireland) Order 2004 in Schedule 1 (firearm certificates – exemptions)—

(a) after sub-paragraph (3)(b) of paragraph 9, insert—

“(ba) have an air gun in his possession without a firearm certificate unless he has attained the age of 11 and is, at all times, under the supervision of a person who has attained the age of 25 and who has held a firearm certificate for an airgun of that type for at least five years;” and

(b) for sub-paragraph (3) of paragraph 11, substitute—

“(3) Subject to sub-paragraph (4), sub-paragraphs (1) and (2) do not apply in relation to a person who is under the age of 11.

(4) Persons aged 11 or older but under 18 must, at all times, be supervised by a person who has attained the age of 25 and who has held a firearm certificate for a shotgun of that type for at least five years.”.

*Mr Paul Frew*  
*Mr Edwin Poots*  
*Mr Patsy McGlone*

**Amendment 13** [Made]

**Clause 99**, Page 70, Line 17

Leave out ‘or 51(12)’ and insert ‘, 51(12) or paragraph 10 of Schedule 6A’

*Minister of Justice*

**Amendment 14** [Made]

**Clause 99**, Page 70, Line 18

After ‘section’ insert ‘6(2)’

*Minister of Justice*

**Amendment 15** [Not called]

**Clause 103**, Page 71, Line 9

After ‘96’ insert ‘to 98 and 98B’

*Mr Paul Frew*  
*Mr Edwin Poots*  
*Mr Patsy McGlone*

**Amendment 16** [Made]

**Clause 103**, Page 71, Line 11

At end insert -

‘( ) paragraph 10 of Schedule 6A and section 95A so far as relating to that paragraph;’



**Amendment 17** [Not called]

**Clause 103**, Page 71, Line 12

At end insert -

‘(1A) Section 98A and Schedules 6B and 6C shall come into operation 90 days after this Act receives Royal Assent.’

*Mr Paul Frew*  
*Mr Edwin Poots*  
*Mr Patsy McGlone*

**Amendment 18** [Made]

**Schedule 1**, Page 87, Line 8

After ‘preliminary inquiry’ insert ‘or a preliminary investigation’

*Minister of Justice*

**Amendment 19** [Made]

**New Schedule**

After schedule 6 insert -

‘SCHEDULE 6A

DOMESTIC VIOLENCE PROTECTION NOTICES AND ORDERS

*Power to issue a domestic violence protection notice*

1.—(1) A police officer not below the rank of superintendent (“the authorising officer”) may issue a domestic violence protection notice (“a DVPN”) under this paragraph.

(2) A DVPN may be issued to a person (“P”) aged 18 years or over if the authorising officer has reasonable grounds for believing that—

- (a) P has been violent towards, or has threatened violence towards, an associated person, and
- (b) the issue of the DVPN is necessary to protect that person from violence or a threat of violence by P.

(3) Before issuing a DVPN, the authorising officer must, in particular, consider—

- (a) the welfare of any person under the age of 18 whose interests the officer considers relevant to the issuing of the DVPN (whether or not that person is an associated person),
- (b) the opinion of the person for whose protection the DVPN would be issued as to the issuing of the DVPN,

- (c) any representations made by P as to the issuing of the DVPN, and
- (d) in the case of provision included by virtue of sub-paragraph (8), the opinion of any other associated person who lives in the premises to which the provision would relate.

(4) The authorising officer must take reasonable steps to discover the opinions mentioned in sub-paragraph (3).

(5) But the authorising officer may issue a DVPN in circumstances where the person for whose protection it is issued does not consent to the issuing of the DVPN.

(6) A DVPN must contain provision to prohibit P from molesting the person for whose protection it is issued.

(7) Provision required to be included by virtue of sub-paragraph (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.

(8) If P lives in premises which are also lived in by a person for whose protection the DVPN is issued, the DVPN may also contain provision—

- (a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPN is issued,
- (b) to prohibit P from entering the premises,
- (c) to require P to leave the premises, or
- (d) to prohibit P from coming within such distance of the premises as may be specified in the DVPN.

#### *Contents and service of a domestic violence protection notice*

2.—(1) A DVPN must state—

- (a) the grounds on which it has been issued,
- (b) that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPN,
- (c) that an application for a domestic violence protection order (“a DVPO”) under paragraph 4 will be heard within 48 hours of the time of service of the DVPN and a notice of the hearing will be given to P,
- (d) that the DVPN continues in effect until that application has been determined, and
- (e) the provision that a court of summary jurisdiction may include in a DVPO.

(2) A DVPN must be in writing and must be served on P personally by a constable.

(3) On serving P with a DVPN, the constable must ask P for an address for the purposes of being given the notice of the hearing of the application for the DVPO.

#### *Breach of a domestic violence protection notice*

3.—(1) A person arrested by virtue of paragraph 2(1)(b) for a breach of a DVPN must be held in custody and brought before the court of summary jurisdiction which will hear the application for the DVPO under paragraph 4—

- (a) before the end of the period of 24 hours beginning with the time of the arrest, or
- (b) if earlier, at the hearing of that application.

(2) If the person is brought before the court by virtue of sub-paragraph (1)(a), the court may remand the person.

(3) If the court adjourns the hearing of the application by virtue of paragraph 4(7), the court may remand the person.

*Application for a domestic violence protection order*

- 4.—(1) If a DVPN has been issued, a constable must apply for a DVPO.
- (2) The application must be made by complaint to a court of summary jurisdiction.
- (3) The application must be heard by the court not later than 48 hours after the DVPN was served pursuant to paragraph 2(2).
- (4) A notice of the hearing of the application must be given to P.
- (5) The notice is deemed given if it has been left at the address given by P under paragraph 2(3).
- (6) But if the notice has not been given because no address was given by P under paragraph 2(3), the court may hear the application for the DVPO if the court is satisfied that the constable applying for the DVPO has made reasonable efforts to give P the notice.
- (7) The court may adjourn the hearing of the application.
- (8) If the court adjourns the hearing, the DVPN continues in effect until the application has been determined.
- (9) On the hearing of an application for a DVPO, Article 118 of the Magistrates' Courts (Northern Ireland) Order 1981 (summons to witness and warrant for arrest) does not apply in relation to a person for whose protection the DVPO would be made, except where the person has given oral or written evidence at the hearing.

*Conditions for and contents of a DVPO*

- 5.—(1) The court may make a DVPO if two conditions are met.
- (2) The first condition is that the court is satisfied on the balance of probabilities that P has been violent towards, or has threatened violence towards, an associated person.
- (3) The second condition is that the court thinks that making the DVPO is necessary to protect that person from violence or a threat of violence by P.
- (4) Before making a DVPO, the court must, in particular, consider—
  - (a) the welfare of any person under the age of 18 whose interests the court considers relevant to the making of the DVPO (whether or not that person is an associated person), and
  - (b) any opinion of which the court is made aware—
    - (i) of the person for whose protection the DVPO would be made, and
    - (ii) in the case of provision included by virtue of sub-paragraph (8), of any other associated person who lives in the premises to which the provision would relate.
- (5) But the court may make a DVPO in circumstances where the person for whose protection it is made does not consent to the making of the DVPO.
- (6) A DVPO must contain provision to prohibit P from molesting the person for whose protection it is made.
- (7) Provision required to be included by virtue of sub-paragraph (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.
- (8) If P lives in premises which are also lived in by a person for whose protection the DVPO is made, the DVPO may also contain provision—
  - (a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPO is made,
  - (b) to prohibit P from entering the premises,
  - (c) to require P to leave the premises, or

(d) to prohibit P from coming within such distance of the premises as may be specified in the DVPO.

(9) A DVPO must state that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPO.

(10) A DVPO may be in force for—

- (a) no fewer than 14 days beginning with the day on which it is made, and
- (b) no more than 28 days beginning with that day.

(11) A DVPO must state the period for which it is to be in force.

#### *Breach of a DVPO*

6.—(1) A person arrested by virtue of paragraph 5(9) for a breach of a DVPO must be held in custody and brought before a court of summary jurisdiction within the period of 24 hours beginning with the time of the arrest.

(2) If the court finds that the person has breached the DVPO, the court may—

- (a) order the person to pay a sum not exceeding £5000; or
- (b) commit the person to prison for a fixed period not exceeding 2 months.

(3) Payment of any sum ordered to be paid under sub-paragraph (2)(a) is enforceable in the same manner as payment of a sum adjudged to be paid by a conviction.

(4) If the matter is not disposed of when the person is brought before the court under sub-paragraph (1), the court may remand the person.

(5) In section 44(5) of the Judicature (Northern Ireland) Act 1978 (appeals relating to punishment of contempt and other defaults) in paragraph (c) after “Article 112 of the Magistrates’ Courts (Northern Ireland) Order 1981” insert “or paragraph 6 of Schedule 6A to the Justice Act (Northern Ireland) 2015”.

#### *Further provision about remand*

7.—(1) This paragraph applies for the purposes of the remand of a person by a court under paragraph 3(2) or (3) or 6(4).

(2) The court may remand the person—

- (a) in custody, that is to say, commit the person to custody to be brought before the court at the end of the period of remand; or
- (b) on bail, that is to say, take from the person a recognizance conditioned for subsequent appearance before the court.

(3) If the person is remanded in custody, the court may give its consent to the person being remanded on bail in accordance with sub-paragraph (2)(b) in which event the court must fix the amount of the recognizance with a view to its being taken subsequently.

(4) Subject to sub-paragraphs (8), (11) and (12), the period for which a person is remanded in custody must not exceed—

- (a) in case where the person is before the court and consents, 28 days;
- (b) in any other case, 8 days.

(5) The period for which a person is remanded on bail must not exceed 28 days unless both the person and the relevant police officer consent.

(6) For the purposes of sub-paragraph (5) the relevant police officer is—

- (a) in the case of a remand prior to the hearing of an application for a DVPO, the authorising officer;
- (b) in any other case, the constable who applied for the DVPO.

(7) In the case of a person over the age of 21, the power to remand in custody includes power, on an application made by a police officer not below the rank of inspector, to commit that person to—

- (a) detention at a police station; or
- (b) the custody (otherwise than at a police station) of a constable.

(8) The period for which a person is remanded under sub-paragraph (7) must not exceed 3 days.

(9) A person shall not be committed to detention at a police station under sub-paragraph (7)(a) unless there is a need for the person to be so detained for the purposes of inquiries into a criminal offence; and, if a person is committed to such detention—

- (a) the person shall, as soon as that need ceases, be brought back before the court;
- (b) the person shall be treated as a person in police detention to whom the duties under Article 40 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (responsibilities in relation to persons detained) relate; and
- (c) the detention of the person shall be subject to periodic review at the times set out in Article 41 of that Order (review of police detention).

(10) A person shall not be committed to the custody (otherwise than at a police station) of a constable under sub-paragraph (7)(b) unless there is a need for the person to be kept in such custody for the purposes of inquiries into a criminal offence; and if a person is committed to such custody, the person shall, as soon as that need ceases, be brought back before the court.

(11) If the court has reason to suspect that a medical report will be required, the power to remand a person may be exercised for the purpose of enabling a medical examination to take place and a report to be made; and if the person is remanded in custody for that purpose, the remand may not be for more than 21 days.

(12) If the court has reason to suspect that the person is suffering from mental illness or severe mental impairment within the meaning of the Mental Health (Northern Ireland) Order 1986, the court has the same power to remand a person under Article 42 of that Order (remand to hospital for medical report) as it has under that Article in the case of an accused person (within the meaning of that Article).

(13) The court may order a person to be brought before it at any time before the expiration of the period for which the person has been remanded.

(14) The court may, when remanding the person on bail, require the person to comply, before release on bail or later, with such requirements as appear to the court to be necessary to secure that the person does not interfere with persons likely to give evidence at the hearing or otherwise obstruct the course of justice.

#### *Guidance*

8.—(1) The Department may issue guidance relating to the exercise by a constable of functions under this Schedule.

(2) A constable must have regard to any guidance issued under this paragraph when exercising a function to which the guidance relates.

(3) Before issuing guidance under this paragraph, the Department must consult—

- (a) the Chief Constable,
- (b) the Policing Board, and
- (c) such other persons as the Department thinks fit.

#### *Interpretation*

9.—(1) In this Schedule—

“associated person” means a person who is associated with P within the meaning of Article 3 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998;

“the authorising officer” has the meaning given by paragraph 1(1);

“a DVPN” has the meaning given by paragraph 1(1);

“a DVPO” has the meaning given by paragraph 2(1)(c);

“P” has the meaning given by paragraph 1(2).

(2) In calculating—

(a) when the period of 24 hours mentioned in paragraph 3(1)(a) or 6(1) ends, or

(b) when the period of 48 hours mentioned in paragraph 4(3) ends,

Christmas Day, Good Friday, any Sunday and any day which is a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971 are to be disregarded.

(3) In calculating the length of any period of remand, the period is to be taken as beginning on the day after the person is remanded.

#### *Pilot schemes*

10.—(1) The Department may by order provide for any provision of paragraphs 1 to 9 to come into operation for a period of time to be specified in or under the order for the purpose of assessing the effectiveness of the provision.

(2) Such an order may make different provision for different areas.

(3) More than one order may be made under this paragraph.

(4) Provision included in an order under this paragraph does not affect the provision that may be included in relation to paragraphs 1 to 9 in an order under section 103.’

*Minister of Justice*

**Amendment 20** [Not called]

**New Schedule**

After schedule 6 insert -

#### ‘SCHEDULE 6B

#### SCHEDULE SUBSTITUTED FOR SCHEDULE 6 TO THE FIREARMS (NORTHERN IRELAND) ORDER 2004

#### “SCHEDULE 6

#### FEES

#### *Firearm certificate*

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1. Grant or renewal of firearm certificate	£88
2. Variation by Chief Constable on application of holder (except as mentioned in paragraph 3)	£26

3. Variation by Chief Constable to substitute one firearm for another of the same calibre or type	£17
4. Duplicate firearm certificate	£14
5. Variation by a Registered Firearms Dealer	£12

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*Museum firearms licence*

6. Grant of museum firearms licence by the Department of Justice	£125
7. Extension of museum firearms licence granted by the Department of Justice to additional premises	£75

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*Visitor's firearm permit*

8. Grant of visitor's firearm permit (except where paragraph 8 applies)	£18
9. Grant of six or more visitor's firearm permits (taken together) on a group application	£60

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*Firearms dealer's certificate*

10. Grant or renewal of firearms dealer's certificate	£380
11. Duplicate firearms dealer's certificate	£14

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*Firearms club*

12. Grant or renewal of authorisation	£95
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*Game fair permit*

13. Grant of game fair permit	£15
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These fees will not be increased for a period of at least 5 years from the date of commencement.”.’

*Mr Paul Frew*  
*Mr Edwin Poots*  
*Mr Patsy McGlone*

**Amendment 21**      *[Not called]*

**New Schedule**

After schedule 6 insert -

‘SCHEDULE 6C

SCHEDULE INSERTED AS SCHEDULE 9 TO THE FIREARMS (NORTHERN IRELAND)  
ORDER 2004

“SCHEDULE 9

Article 11.

BANDS

Band	Calibre
1. Small quarry air rifles	.177 - .25
2. Small quarry	.17 Mach 2 .17 HMR .22 LR .22 WMR
3. Medium quarry Centre Fire	.17 Centre Fire .22 Hornet .222 .204 Ruger .223/5.56 .220 Swift .22/250
4. Large quarry Centre F	.243 25/06 6.5mm x 55/256 7mm x 08 .270 7.62 x 51/.308 30/06

*Rules for Banded System*

1. The banded system applies to firearms conditioned for dual use, eg. field use and for target use in a PSNI approved target club.
2. All handguns are excluded including personal protection weapons.
3. All muzzle loading and black powder firearms are excluded.
4. Any firearm which is “on-loan” can be exchanged under the banded system.
5. A person under a 6 month supervisory condition can still exchange a firearm for another firearm within the same band. The initial supervisory condition will remain in force until the remainder of 6 month supervisory period has been completed.



6. When changing within a band, a change cannot be made to a firearm of a calibre which the individual already holds for the same good reason.

Any transactions outside of these rules must be carried out under the normal variation process.”’

*Mr Paul Frew*  
*Mr Edwin Poots*  
*Mr Patsy McGlone*

**Amendment 22** [Made]

**Schedule 8**, Page 140, Line 12

Leave out from beginning to end of line 13 on page 142 and insert -

‘

The Magistrates’ Courts (Northern Ireland) Order 1981 (NI 26)	Article 31. In Article 32— (a) in paragraph (1)(b) the words “a copy of that notice together with” and the words “a reasonable time before the day fixed for the conduct of the preliminary inquiry”; (b) paragraph (3).
The Justice and Security (Northern Ireland) Act 2007 (c. 6)	Section 3.

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*Minister of Justice*