



Northern Ireland
Assembly

Justice Bill

Notice of Amendments tabled on
20 May 2015 for Consideration Stage

New Clause

After clause 12 insert -

'Direct committal for trial: offences related to specified offences

12A.—(1) Where—

- (a) this Chapter applies in relation to an accused (“A”) who—
 - (i) is charged with an offence (“offence A”) which is not a specified offence, and
 - (ii) is not also charged with a specified offence,
- (b) A appears or is brought before the court on the same occasion as another person (“B”) charged with a specified offence,
- (c) the court commits B for trial for the specified offence under section 12, and
- (d) offence A appears to the court to be related to the specified offence for which the court commits B for trial,

the court shall forthwith commit A to the Crown Court for trial for offence A.

(2) Where—

- (a) this Chapter applies in relation to an accused (“A”) who—
 - (i) is charged with an offence (“offence A”) which is not a specified offence, and
 - (ii) is not also charged with a specified offence,
- (b) on a previous occasion another person (“B”) has appeared or been brought before the court charged with a specified offence,
- (c) the court has on that occasion committed B for trial for the specified offence under section 12, and
- (d) offence A appears to the court to be related to the specified offence for which the court committed B for trial,

the court may forthwith commit A to the Crown Court for trial for offence A if the court considers that it is necessary or appropriate in the interests of justice to do so.

(3) Where the court commits the accused for trial for an offence under this section—

- (a) it shall accordingly not conduct committal proceedings in relation to that offence; and
- (b) the functions of the court then cease in relation to that offence, except as provided by—
 - (i) section 13; or
 - (ii) Article 29(2)(a) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 or any regulations under Article 26(3) of the Access to Justice (Northern Ireland) Order 2003.

(4) For the purposes of this section an offence is related to a specified offence if a count charging the offence could be included in the same indictment as a count charging the specified offence.’

Minister of Justice

Clause 14, Page 8, Line 31

After ‘section 12’ insert ‘or 12A’

Minister of Justice

Clause 14, Page 9, Line 14

Leave out ‘(e) or (f)’ and insert ‘or (e)’

Minister of Justice

Clause 33, Page 23, Line 14

Leave out from ‘and the provisions’ to end of line 16

Minister of Justice

Clause 33, Page 23, Line 40

At end insert ‘and members of the victim’s family’

Minister of Justice

Clause 33, Page 23, Line 43

At end insert ‘and members of the victim’s family’

Minister of Justice

Clause 33, Page 23, Line 43

At end insert -

‘(8A) Regulations may provide that, except in prescribed cases or circumstances, paragraphs (c) and (d) of subsection (8) are to have effect with the omission of the words “and members of the victim’s family”’.

(8B) The provisions of the Victim Charter referred to in section 29(6)(a) apply for the purposes of subsections (2) and (8)(c) and (d) as they apply for the purposes of subsection (3) of section 29.’

Minister of Justice

New Clause

After clause 35 insert -

‘Information sharing

Disclosure for purposes of victim and witness support services and victim information schemes

35A. Schedule 3A (which makes provision for the disclosure of information for the purposes of victim and witness support services and victim information schemes) has effect.’

Minister of Justice

Clause 37, Page 26, Line 35

Leave out ‘subsection (3)(b)’ and insert ‘subsection (4)(b)’

Minister of Justice

Clause 39, Page 27

Leave out lines 20 to 22 and insert -

“(4A) The Department may from time to time publish guidance to chief officers as to the exercise of functions under subsection (4); and in exercising functions under that subsection a relevant chief officer must have regard to any guidance for the time being published under this subsection.”’

Minister of Justice

New Clause

After clause 39 insert -

‘Review of criminal record certificates

39A.—(1) The Police Act 1997 is amended as follows.

(2) After section 117A (inserted by section 39(5)) insert—

‘Review of criminal record certificates

117B. Schedule 8A (which provides for an independent review of certain criminal record certificates) has effect.”

(3) After Schedule 8 insert as Schedule 8A the Schedule set out in Schedule 3B to this Act.’

Minister of Justice

Clause 40, Page 29, Line 44

At end insert -

- ‘(7A) The Department must not grant an application as mentioned in subsection (4)(c) or (5) (c) if—
- (a) the certificate in question is an enhanced criminal record certificate; and
 - (b) the certificate contains (or would contain) information which relates to an individual other than the individual whose certificate it is.’

Minister of Justice

Clause 41, Page 31, Line 18

Leave out ‘it is’ and insert ‘be’

Minister of Justice

New Clause

After clause 42 insert -

‘Disclosures by Department of Justice to Disclosure and Barring Service

42A. In section 119 of the Police Act 1997 (sources of information) after subsection (4) insert—

“(4A) The Department of Justice may provide to the Disclosure and Barring Service any information it holds for the purposes of this Part in order to enable the Disclosure and Barring Service to determine whether, in relation to any person, paragraph 1, 2, 3, 5, 7, 8, 9 or 11 of Schedule 1 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 applies or appears to apply.”.’

Minister of Justice

New Clause

After clause 42 insert -

‘Inclusion of cautions and other diversionary disposals in criminal records

42B. In Article 29 of the Police and Criminal Evidence (Northern Ireland) Order 1989 for paragraph (4) substitute—

- “(4) The Department of Justice may by regulations make provision for recording—
- (a) convictions for such offences as are specified in the regulations (“recordable offences”);
 - (b) cautions given in respect of recordable offences;
 - (c) informed warnings given in respect of recordable offences;
 - (d) diversionary youth conferences in respect of recordable offences.
- (5) For the purposes of paragraph (4)—
- (a) “caution” means a caution given to a person in respect of an offence which, at the time when the caution is given, the person has admitted;
 - (b) “diversionary youth conference” has the meaning given by Part 3A of the Criminal Justice (Children) (Northern Ireland) Order 1998.”.’

Minister of Justice

Clause 46, Page 36, Line 7

At end insert -

‘(9A) If where the offender is attending proceedings through a live link it appears to the court—

- (a) that the offender is not able to see and hear the court and to be seen and heard by it, and
- (b) that this cannot be immediately corrected,

the court must adjourn the proceedings.’

Minister of Justice

Clause 65, Page 49

Leave out lines 2 to 4 and insert -

‘(4) Fingerprints and photographs taken from an offender under this section—

- (a) are to be used for verifying the identity of the offender at any time while the offender is subject to notification requirements; and
- (b) may also, subject to the following provisions of this section, be used for any purpose related to the prevention, detection, investigation or prosecution of offences (whether or not under this Part), but for no other purpose.

(5) Fingerprints taken from an offender under this section must be destroyed no later than the date on which the offender ceases to be subject to notification requirements, unless they are retained under the power conferred by subsection (7).

(6) Subsection (7) applies where—

- (a) fingerprints have been taken from a person under any power conferred by the Police and Criminal Evidence (Northern Ireland) Order 1989;
- (b) fingerprints have also subsequently been taken from that person under this section; and
- (c) the fingerprints taken as mentioned in paragraph (a) do not constitute a complete and up to date set of the person’s fingerprints or some or all of those fingerprints are not of sufficient quality to allow satisfactory analysis, comparison or matching.

(7) Where this subsection applies—

- (a) the fingerprints taken as mentioned in subsection (6)(b) may be retained as if taken from the person under the power mentioned in subsection (6)(a); and
- (b) the fingerprints taken as mentioned in subsection (6)(a) must be destroyed.

(8) Photographs taken of any part of the offender under this section must be destroyed no later than the date on which the offender ceases to be subject to notification requirements unless they are retained by virtue of an order under subsection (9).

(9) The Chief Constable may apply to a District Judge (Magistrates’ Courts) for an order extending the period for which photographs taken under this section may be retained.

(10) An application for an order under subsection (9) must be made within the period of 3 months ending on the last day on which the offender will be subject to notification requirements.

(11) An order under subsection (9) may extend the period for which photographs may be retained by a period of 2 years beginning when the offender ceases to be subject to notification requirements.

(12) The following persons may appeal to the county court against an order under subsection (9), or a refusal to make such an order—

- (a) the Chief Constable;

- (b) the person in relation to whom the order was sought.
- (13) In this section—
- (a) “photograph” includes any process by means of which an image may be produced; and
 - (b) references to the destruction or retention of photographs or fingerprints include references to the destruction or retention of copies of those photographs or fingerprints.’

Minister of Justice

Clause 68, Page 51, Line 8

After ‘may’ insert ‘, subject to subsections (3A) to (3E),’

Minister of Justice

Clause 68, Page 51, Line 13

At end insert -

‘(3A) The information must be destroyed no later than the date on which the offender ceases to be subject to notification requirements unless it is retained by virtue of an order under subsection (3B).

(3B) The Chief Constable may apply to a District Judge (Magistrates’ Court) for an order extending the period for which the information may be retained.

(3C) An application for an order under subsection (3B) must be made within the period of 3 months ending on the last day on which the offender will be subject to notification requirements.

(3D) An order under subsection (3B) may extend the period for which the information may be retained by a period of 2 years beginning when the offender ceases to be subject to notification requirements.

(3E) The following persons may appeal to the county court against an order under subsection (3B), or a refusal to make such an order—

- (a) the Chief Constable;
- (b) the person in relation to whom the order was sought.’

Minister of Justice

Clause 70, Page 52, Line 3

Leave out ‘and’ and insert -

‘(ca) that, in a case where a person other than the offender resides there, it is proportionate in all the circumstances for a constable to enter and search the premises for that purpose; and’

Minister of Justice

New Clause

After clause 76 insert -

Personal samples, DNA profiles and fingerprints

Power to take further fingerprints or non-intimate samples

76A.—(1) In Article 61 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (fingerprinting)—

(a) in paragraphs (5A) and (5B) for the words after “investigation” in sub-paragraph (b) substitute “but—

- (i) paragraph (4A)(a) or (b) applies, or
- (ii) paragraph (5C) applies.”;

(b) after paragraph (5B) insert—

“(5C) This paragraph applies where—

- (a) the investigation was discontinued but subsequently resumed, and
- (b) before the resumption of the investigation the fingerprints were destroyed pursuant to Article 63B(2).” .

(2) In Article 63 of that Order (non-intimate samples)—

(a) at the end of paragraph (3ZA)(b) insert “, or
(iii) paragraph (3AA) applies.”;

(b) in paragraph (3A)(b) for “insufficient; or” substitute “insufficient, or
(iii) paragraph (3AA) applies; or”;

(c) after paragraph (3A) insert—

“(3AA) This paragraph applies where the investigation was discontinued but subsequently resumed, and before the resumption of the investigation—

- (a) any DNA profile derived from the sample was destroyed pursuant to Article 63B(2), and
- (b) the sample itself was destroyed pursuant to Article 63P(2), (3) or (10).”.

(3) In Schedule 2A to that Order (fingerprinting and samples: power to require attendance at police station)—

(a) in paragraph 1 (fingerprinting: persons arrested and released)—

(i) in sub-paragraph (2) for “Article 61(5A)(b)” substitute “Article 61(5A)(b)(i)”;

(ii) after sub-paragraph (3) insert—

“(4) The power under sub-paragraph (1) may not be exercised in a case falling within Article 61(5A)(b)(ii) (fingerprints destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”;

(b) in paragraph 2 (fingerprinting: persons charged, etc.)—

(i) in sub-paragraph (2)(b) for “Article 61(5B)(b)” substitute “Article 61(5B)(b)(i)”;

(ii) at the end of sub-paragraph (2) insert “, or

“(c) in a case falling within Article 61(5B)(b)(ii) (fingerprints destroyed where investigation interrupted), the day on which the investigation was resumed.”;

(c) in paragraph 9 (non-intimate samples: persons arrested and released)—

(i) in sub-paragraph (2) for “within Article 63(3ZA)(b)” substitute “within Article 63(3ZA)(b)(i) or (ii)”;

(ii) after sub-paragraph (3) insert—

“(4) The power under sub-paragraph (1) may not be exercised in a case falling within Article 63(3ZA)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”;

- (d) in paragraph 10 (non-intimate samples: person charged etc.)—
- (i) in sub-paragraph (3) for “within Article 63(3A)(b)” substitute “within Article 63(3A)(b)(i) or (ii)”;
 - (ii) after sub-paragraph (4) insert—

“(5) The power under sub-paragraph (1) may not be exercised in a case falling within Article 63(3A)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”.’

Minister of Justice

New Clause

After clause 76 insert -

‘Retention of material: persons convicted of an offence in England and Wales or Scotland

76B. After Article 63G of the Police and Criminal Evidence (Northern Ireland) Order 1989 insert—

“Retention of material: effect of convictions in England and Wales or Scotland

63GA.—(1) This Article applies to Article 63B material which does not fall within Article 63G (2).

(2) If the material relates to a person who has been convicted under the law in force in England and Wales of a recordable offence within the meaning of section 118(1) of PACE (“an EW recordable offence”) Articles 63D, 63E, 63H and 63L apply as if—

- (a) references in Article 63D(2) and (14), 63E(2) 63H(1)(a)(ii) and (5) and 63L(3)(b) to a person being convicted of a recordable offence included references to a person being convicted of an EW recordable offence (and section 65B(1) of PACE (meaning of “convicted”) applies for that purpose);
- (b) references in Article 63D(14) to a qualifying offence included references to a qualifying offence within the meaning of section 65A of PACE;
- (c) references in Article 63D(14) and 63H(2) to (4) to a custodial sentence included references to a relevant custodial sentence within the meaning of section 63K(6) of PACE.

(3) If the material relates to a person who has been convicted under the law in force in Scotland of an offence which is punishable by imprisonment (“a relevant Scottish offence”) Article 63D, 63E, 63H and 63L apply as if—

- (a) references in Article 63D(2) and (14), 63E(2) 63H(1)(a)(ii) and (5) and 63L(3)(b) to a person being convicted of a recordable offence included references to a person being convicted of a relevant Scottish offence;
- (b) references in Article 63D(14) to a qualifying offence included references to—
 - (i) a relevant sexual offence and a relevant violent offence within the meaning of section 19A of the Criminal Procedure (Scotland Act) 1995; and
 - (ii) an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008;
- (c) references in Article 63D(14) and 63H(2) to (4) to a custodial sentence included references to a sentence of imprisonment or detention.

(4) In this Article “PACE” means the Police and Criminal Evidence Act 1984.”.’

Minister of Justice

New Clause

After clause 76 insert -

‘Retention of DNA profiles or fingerprints: persons given a prosecutorial fine

76C. After Article 63K of the Police and Criminal Evidence (Northern Ireland) Order 1989 insert—

“Retention of Article 63B material: persons given a prosecutorial fine notice

63KA.—(1) This Article applies to Article 63B material which—

- (a) relates to a person who is given a prosecutorial fine notice under section 18 of the Justice Act (Northern Ireland) 2015, and
 - (b) was taken (or, in the case of a DNA profile, derived from a sample taken) from the person in connection with the investigation of the offence (or one of the offences) to which the notice relates.
- (2) The material may be retained—
- (a) in the case of fingerprints, for a period of 2 years beginning with the date on which the fingerprints were taken,
 - (b) in the case of a DNA profile, for a period of 2 years beginning with—
 - (i) the date on which the DNA sample from which the profile was derived was taken, or
 - (ii) if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken.”.’

Minister of Justice

New Clause

After clause 76 insert -

‘Power to retain DNA profile or fingerprints in connection with different offence

76D. For Article 63N of the Police and Criminal Evidence (Northern Ireland) Order 1989 (Article 63B material obtained for one purpose and used for another) substitute—

“Retention of Article 63B material in connection with different offence

63N.—(1) Paragraph (2) applies if—

- (a) Article 63B material is taken (or, in the case of a DNA profile, derived from a sample taken) from a person in connection with the investigation of an offence, and
 - (b) the person subsequently—
 - (i) is arrested for or charged with a different offence,
 - (ii) is convicted of a different offence,
 - (iii) is given a penalty notice or a prosecutorial fine notice in respect of a different offence;
 - (iv) is given a caution in respect of a different offence committed when the person is under the age of 18; or
 - (v) completes a diversionary youth conference process with respect to a different offence.
- (2) Articles 63C to 63M and Articles 63O and 63Q have effect in relation to the material as if the material were also taken (or, in the case of a DNA profile, derived from a sample taken)—
- (a) in connection with the investigation of the offence mentioned in paragraph (1)(b),
 - (b) on the date on which the person was arrested for that offence or, if the person was not arrested, on the date on which the person—
 - (i) was charged with the offence or given a penalty notice or prosecutorial fine in respect of the offence, or
 - (ii) was cautioned in respect of the offence; or
 - (iii) completed the diversionary youth conference process with respect to the offence.

(3) Paragraph (3) of Article 63J applies for the purposes of this Article as it applies for the purposes of Article 63J.”.’

Minister of Justice

New Clause

After clause 76 insert -

‘Retention of personal samples that are or may be disclosable

76E. In Article 63R of the Police and Criminal Evidence (Northern Ireland) Order 1989 (exclusions for other regimes)—

- (a) in paragraph (5) (material that is or may become disclosable to the defence) for “Articles 63B to 63O and 63Q” substitute “Articles 63B to 63Q”;
- (b) after that paragraph insert—
 - “(5A) A sample that—
 - (a) falls within paragraph (5), and
 - (b) but for that paragraph would be required to be destroyed under Article 63P,must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.
 - (5B) A sample that once fell within paragraph (5) but no longer does, and so becomes a sample to which Article 63P applies, must be destroyed immediately if the time specified for its destruction under that Article has already passed.”.’

Minister of Justice

Clause 78, Page 55, Line 21

Leave out subsection (3)

Minister of Justice

New Clause

After clause 78 insert -

‘Sexual offences against children

Meeting a child following sexual grooming etc.

78A. In Article 22(1)(a) of the Sexual Offences (Northern Ireland) Order 2008 (meeting a child following sexual grooming etc.) for “on at least two occasions” substitute “on one or more occasions”.’

Minister of Justice

New Clause

After clause 78 insert -

‘Sexual communication with a child

78B.—(1) In the Sexual Offences (Northern Ireland) Order 2008 after Article 22 insert—

“Sexual communication with a child

22A.—(1) A person aged 18 or over (A) commits an offence if—

- (a) for the purpose of obtaining sexual gratification, A intentionally communicates with another person (B),
- (b) the communication is sexual or is intended to encourage B to make (whether to A or to another) a communication that is sexual, and
- (c) B is under 16 and A does not reasonably believe that B is 16 or over.

(2) For the purposes of this Article, a communication is sexual if—

- (a) any part of it relates to sexual activity, or
- (b) a reasonable person would, in all the circumstances but regardless of any person’s purpose, consider any part of the communication to be sexual;

and in sub-paragraph (a) “sexual activity” means an activity that a reasonable person would, in all the circumstances but regardless of any person’s purpose, consider to be sexual.

(3) A person guilty of an offence under this Article is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.”.

(2) In Article 4 of that Order (meaning of “sexual”) after “except” insert “Article 22A (sexual communication with a child) or”.

(3) In Article 76(10)(a) of that Order (offences outside the United Kingdom) after “children” insert “except Article 22A”.

(4) In the Sexual Offences Act 2003 in Schedule 3 (sexual offences for purposes of Part 2 of that Act) after paragraph 92H insert—

“92HA. An offence under Article 22A of that Order (sexual communication with a child).”.

(5) In the Criminal Justice (Northern Ireland) Order 2008 in Part 2 of Schedule 2 (specified sexual offences) in paragraph 14A after the entry relating to Article 22 of the Sexual Offences (Northern Ireland) Order 2008 insert—

“Article 22A (sexual communication with a child).”.

Minister of Justice

Clause 79, Page 55, Line 31

Leave out from ‘The Department’ to ‘on’ and insert ‘It is the duty of all’

Minister of Justice

Clause 79, Page 55, Line 34

Leave out subsection (2)

Minister of Justice

Clause 80, Page 56, Line 23

At end insert -

- ‘(5) The regulations must in particular take account of the need to identify and respect the needs of—
 - (a) victims,

- (b) witnesses, particularly those to whom Article 4(2) of the Criminal Evidence (Northern Ireland) Order 1999 may apply; and
- (c) persons under the age of 18.’

Minister of Justice

Clause 80, Page 56, Line 23

At end insert -

- ‘(6) Before making any regulations under this section the Department must consult—
- (a) the Lord Chief Justice;
 - (b) the Director of Public Prosecutions;
 - (c) the General Council of the Bar of Northern Ireland; and
 - (d) the Law Society of Northern Ireland.’

Minister of Justice

Clause 82, Page 57, Line 37

Leave out from ‘in connection’ to ‘D’s appeal’ on line 38 and insert ‘to ensure compliance with Article 6 of the European Convention on Human Rights’

Minister of Justice

New Clause

After clause 83 insert -

‘Causing or allowing child or vulnerable adult to suffer serious physical harm

Causing or allowing child or vulnerable adult to suffer serious physical harm

83A.—(1) Section 5 of the Domestic Violence, Crime and Victims Act 2004 (offence of causing or allowing the death of a child or vulnerable adult) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a) after “dies” insert “or suffers serious physical harm”;
- (b) in paragraph (d) for “V’s death” substitute “the death or serious physical harm”.

(3) In subsection (3)(a) for “V’s death” substitute “the death or serious physical harm”.

(4) In subsection (4)(b) for “V’s death” substitute “the death or serious physical harm”.

(5) In subsection (7) after “this section” insert “of causing or allowing a person’s death”.

(6) After that subsection insert—

“(8) A person guilty of an offence under this section of causing or allowing a person to suffer serious physical harm is liable on conviction on indictment to imprisonment for a term not exceeding 10 years or to a fine, or to both.”.

(7) For the cross-heading before section 5 substitute “Causing or allowing a child or vulnerable adult to die or suffer serious physical harm”.

(8) Schedule 4A (which contains amendments consequential on this section) has effect.’

New Clause

After clause 85 insert -

‘Salary of Lands Tribunal members

Salary of Lands Tribunal members

85A.—(1) Section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 is amended as follows.

(2) For subsections (5) and (5A) substitute—

“(5) There shall be paid to the members of the Lands Tribunal appointed under section 1(2) such remuneration as the Department of Justice may determine.”.

Minister of Justice

Clause 91, Page 60, Line 36

At end insert -

‘() section 35A and Schedule 3A;’

Minister of Justice

Clause 91, Page 60, Line 36

At end insert -

‘() sections 78A and 78B;’

Minister of Justice

Schedule 1, Page 62

Leave out lines 4 to 28 and insert -

‘The Gaming Act (Ireland) 1739 (c. 8)

. In section 16 (bringing of actions) omit the words from “and shall be laid” to the end.

The Forcible Entry Act (Ireland) 1786 (c.24)

. In section 65 (indictments) for “some one or more of the justices of the peace of the county, county of the city or town where such indictment shall be made” substitute “a district judge (magistrates’ courts)”.

The Parliamentary Representation Act (Ireland) 1800 (c.29)

. In section 7 (writs) for “crown office in Ireland” and “crown office of Ireland” substitute “chief clerk”.

The Tolls (Ireland) Act 1817 (c.108)

. In section 7 (schedule of tolls) for “chief clerk for the county court division where such custom, toll, or duty may be claimed,” substitute “chief clerk”.

The Tithe Rentcharge (Ireland) Act 1838 (c. 109)

. In section 27 (recovery of rent-charge) omit “wherein the lands charged therewith may be situate”.

The Defence Act 1842 (c. 94)

. In section 24 (compensation)—

- (a) for “two justices of the peace of the county, riding, stewartry, city or place” substitute “a court of summary jurisdiction”;
- (b) for “such justices” substitute “that court”.

The Fisheries (Ireland) Act 1842 (c. 106)

.—(1) In section 92 (byelaws) for the words from “deposited with” to “in each such petty sessions district” substitute “deposited with the clerk of petty sessions who shall publish notice of the lodgement;”.

(2) In section 103 omit “in the district where the same shall be seized”.

The Companies Clauses Consolidation Act 1845 (c. 16)

.—(1) In section 3 (interpretation) omit “acting for the place where the matter requiring the cognizance of any such justice shall arise and”.

(2) In section 161 (deposit of copies of special Act) for the words from “deposit in the office” to “into which the works shall extend” substitute “deposit in the office of the chief clerk”.

The Lands Clauses Consolidation Act 1845 (c. 18)

. In section 150 (deposit of copies of special Act) for the words from “deposit in the office” to “into which the works shall extend” substitute “deposit in the office of the chief clerk”.

The Railways Clauses Consolidation Act 1845 (c. 20)

.—(1) In section 7 (correction of plans) for the words from “deposited with” to “shall be situate” substitute “deposited with the chief clerk”.

(2) In section 8 (deposit of plans) for the words from “deposited with” to “intended to pass” substitute “deposited with the chief clerk”.

(3) In section 11 (limitation of deviation)—

- (a) for the words from “two or more justices” to “may be situated” substitute “a court of summary jurisdiction”;
- (b) omit the words from “Provided also, that” to the end.

(4) In section 59 (consent to level crossing)—

- (a) for the words from “any two or more justices” to “is situate, and assembled in petty sessions” substitute “a court of summary jurisdiction”;
- (b) for “such justices” substitute “that court”.

The Ejectment and Distress (Ireland) Act 1846 (c. 111)

. In section 16 for the words from “apply to any one” to “fixed in such summons” substitute “apply to a district judge (magistrates’ courts) for the redress of his grievance, whereupon the district judge shall summon the person complained of to appear before a court of summary jurisdiction at a reasonable time to be fixed in the summons.”.

The Markets and Fairs Clauses Act 1847 (c. 14)

—(1) In section 7 (correction of errors) for “the chief clerk for the county court division in which the lands affected thereby shall be situated” substitute “the chief clerk”.

(2) In section 50 (annual account) for “the chief clerk for the county court division in which the market or fair is situate” substitute “the chief clerk”.

(3) In section 58 (deposit of special Act) for the words from “deposit in” to “is situate” substitute “deposit in the office of the chief clerk”.

The Commissioners Clauses Act 1847 (c. 16)

—(1) In section 95 for “the chief clerk for the county court division where the undertaking is situate” substitute “the chief clerk”.

(2) In section 110 (copies of special Act) for the words from “deposit in” to “is situate” substitute “deposit in the office of the chief clerk”.

The Harbours, Docks and Piers Clauses Act 1847 (c. 27)

—(1) In section 7 (correction of plans) for the words from “be deposited in” to “are situate” substitute “be deposited with the chief clerk”.

(2) In section 8 (alterations to plans) for the words from “deposited with the said” to “is situate” substitute “deposited with the chief clerk”.

(3) In section 50 (annual account) for the words from “charge, to the” to “is situate” substitute “charge, to the chief clerk”.

(4) In section 97 (copies of special Act) for the words from “deposit in” to “is situate” substitute “deposit in the office of the chief clerk”.

The Towns Improvement Clauses Act 1847 (c. 34)

—(1) In section 3 (interpretation)—

- (a) in the definition of “justice” for the words from “shall mean” to “arises” substitute “shall mean a lay magistrate”;
- (b) in the definition of “quarter sessions” for the words from “shall mean” to the end substitute “shall mean the county court”.

(2) In section 20 (correction of errors) for “the chief clerk for the county court division in which the lands affected thereby shall be situated” substitute “the chief clerk”.

(3) In section 214 (copies of special Act) for the words from “deposit in” to “is situated” substitute “deposit in the office of the chief clerk”.

The Cemeteries Clauses Act 1847 (c. 65)

—(1) In section 7 (correction of errors) for the words from “deposited with” to “shall be situated” substitute “deposited with the chief clerk”.

(2) In section 60 (annual accounts) for the words from “charge, to the” to “is situated” substitute “charge, to the chief clerk”.

(3) In section 66 (copies of special Act) for the words from “deposit in” to “is situated” substitute “deposit in the office of the chief clerk”.

The Vagrancy (Ireland) Act 1847 (c. 84)

. In section 8 (interpretation) for the words from “any justice” to “town corporate” substitute “any lay magistrate or district judge (magistrates’ courts)”.

The Town Police Clauses Act 1847 (c. 89)

. In section 77 (copies of special Act) for the words from “deposit in” to “is situated” substitute “deposit in the office of the chief clerk”.

The Railway Act (Ireland) 1851 (c.70)

.—(1) In section 4 (deposit of maps) for the words from “or so much thereof as relates” to the end substitute “with the chief clerk”.

(2) In section 8 (notice of appointment of arbitrator) for the words “with the chief clerks for the county court division” substitute “with the chief clerk”.

(3) In section 11 (retention of documents) for the words from the beginning to “hereby” substitute “The chief clerk is hereby”.

The Fines Act (Ireland) 1851 (c. 90)

.—(1) In section 6 (enforcement) for “two justices of the county” substitute “district judge (magistrates’ courts)”.

(2) In section 8 (penalties) for “two justices of the county” substitute “district judge (magistrates’ courts)”.

The Summary Jurisdiction (Ireland) Act 1851 (c. 92)

. In section 1 (jurisdiction of justices) omit—

(a) “within his or their respective jurisdictions”; and

(b) “(when the case shall be heard in any petty sessions district)”.

The Petty Sessions (Ireland) Act 1851 (c. 93)

.—(1) In section 26(3) (execution of warrants) for the words from “at any place” to “adjoining county” substitute “at any place”.

(2) In section 28 (backing of warrants) for the words from “are not to be found” to “in any of the places” substitute “are in any of the places”.

(3) In section 31 (execution of warrant) for the words from “or peace officers” to the end substitute “to execute the warrant by arrest, committal, or levy, as the case may be, and in the case of a warrant to arrest any person and convey him when arrested before any district judge (magistrates’ courts) to be dealt with according to law.”.

The Boundary Survey (Ireland) Act 1854 (c. 17)

. In section 12 (alteration of boundary) for the words from “transmitted to” to “way relate” substitute “transmitted to the chief clerk”.

The Towns Improvement (Ireland) Act 1854 (c. 103)

. In section 1 (interpretation) omit the definition of “assistant barrister”.

The Boundary Survey (Ireland) Act 1859 (c. 8)

. In section 4 (publication of order) for the words from “transmitted to” to “way relate” substitute “transmitted to the chief clerk”.

The Ecclesiastical Courts Jurisdiction Act 1860 (c. 32)

. In section 3 (offenders) for the words from “taken before” to the end substitute “taken before a district judge (magistrates’ courts) to be dealt with according to law.”.

The Tramways (Ireland) Act 1860 (c. 152)

. In section 33 (entry to land)—

- (a) for the words from “under the hand” to “not having” substitute “under the hand of a district judge (magistrates’ courts) who does not have”;
- (b) for the words from “fixed by” to “same district” substitute “fixed by a district judge (magistrates’ courts)”.

The Landlord and Tenant Law Amendment Act (Ireland) 1860 (c. 154)

—(1) In section 35 (restraint of waste)—

- (a) for the words from “satisfy” to “of the county” substitute “satisfy a district judge (magistrates’ courts)”;
- (b) for the words from “at the next” to “premises are situate” substitute “at the next petty sessions”.

(2) In sections 63 and 69 (deposit of sums due) for “chief clerk for the county court division” substitute “chief clerk”.

(3) In section 79 (view of lands) for the words from “lawful for” to “shall be situate and” substitute “lawful for a district judge (magistrates’ courts)”.

(4) In Schedule (A) (forms) omit “for the county of M,” (wherever occurring).

The Railways Act (Ireland) 1864 (c. 71)

. In section 14 (value of crops) for the words from “determined by” to the end substitute “determined by a district judge (magistrates’ courts)”.

The Dockyard Ports Regulation Act 1865 (c. 125)

. Omit section 22 (jurisdiction of justices over vessels).

The Promissory Oaths Act 1871 (c. 48)

. In section 2 (persons who may take oaths) for the words from “or at the” to the end substitute “or at the county court”.

The Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1871 (c. 49)

. In section 23 (register books) for the words from “information thereof to” to “solemnized” substitute “information thereof to a district judge (magistrates’ courts)”.

The Public Health (Ireland) Act 1878 (c. 52)

—(1) In section 2 (interpretation) omit the definition of “court of quarter sessions”.

(2) In section 269 (appeals) for subsection (1) substitute—
“(1) The appeal shall be made to the county court.”

The Settled Land Act 1882 (c. 38)

. In section 46(10) (payment into court) for the words from “be exercised by” to the end substitute “be exercised by the county court”.

The Married Women’s Property Act 1882 (c. 75)

. In section 17 (summary decision of questions) for the words from “in a summary way” to “and the court” substitute “in a summary way to the High Court or a county court and the court”.

The Explosive Substances Act 1883 (c. 3)

. In section 6(1) (inquiry into crimes) omit—

- (a) “for the county, borough, or place in which the crime was committed or is suspected to have been committed”;
- (b) “in the said county, borough, or place”.

The Bills of Sale (Ireland) Act (1879) Amendment Act 1883 (c. 7)

. In section 11 (registration) for the words from “transmit” to the end of the first paragraph substitute “transmit an abstract in the prescribed form of the contents of such bill of sale to the chief clerk.”.

The Local Government (Ireland) Act 1898 (c. 37)

. In section 69 (boundaries)—

- (a) in subsection (3) omit the words from “provided that” to the end;
- (b) omit subsections (4) and (5).

The Open Spaces Act 1906 (c. 25)

. In section 4(2) (transfer of open space) omit the words from “of the district” to the end.

The Summary Jurisdiction (Ireland) Act 1908 (c. 24)

. In sections 1(2) and 2(2) (habitual drunkards) for the words from “anyone holding” to the end substitute “any justice of the peace”.

Minister of Justice

Schedule 1, Page 66, Line 38

At end insert -

‘(2A) In section 18(2) (rules) after “subsection (1) above” insert “(other than paragraph (a))”.’

Minister of Justice

Schedule 1, Page 75, Line 12

Leave out sub-paragraph (1) and insert -

‘(1) Omit section 15(3) (interpretation).’

Minister of Justice

Schedule 1, Page 84

Leave out lines 10 to 12

Minister of Justice

Schedule 1, Page 86, Line 16

At end insert -

‘(1A) In section 125 (variation, renewal and discharge of orders)—

- (a) in subsection (1) for “the appropriate court” substitute “a court of summary jurisdiction”; and

(b) omit subsection (7).’

Minister of Justice

Schedule 1, Page 90, Line 31

At end insert -

‘The Serious Crime Act 2015 (c. 9)

109. In Schedule 2 in paragraph 11(2)(c) omit “for the petty sessions district in which the lay magistrate was acting when he or she issued the warrant”.’

Minister of Justice

Schedule 3, Page 94, Line 29

After ‘section 12’ insert ‘or 12A’

Minister of Justice

Schedule 3, Page 94, Line 37

After ‘section 12’ insert ‘or 12A’

Minister of Justice

Schedule 3, Page 95, Line 4

After ‘section 12’ insert ‘or 12A’

Minister of Justice

Schedule 3, Page 95, Line 12

After ‘section 12’ insert ‘or 12A’

Minister of Justice

Schedule 3, Page 95, Line 19

After ‘section 12’ insert ‘or 12A’

Minister of Justice

Schedule 3, Page 95, Line 27

After ‘section 12’ insert ‘or 12A’

Minister of Justice

After 'section 12' insert 'or 12A'

Minister of Justice

New Schedule

After schedule 3 insert -

‘SCHEDULE 3A

DISCLOSURE OF INFORMATION: VICTIM AND WITNESS SUPPORT SERVICES AND VICTIM INFORMATION SCHEMES

Disclosure by police to body providing support services for victims

1.—(1) A police officer or member of the police support staff may disclose relevant information relating to a victim to a prescribed body for the purpose of enabling that body to advise the victim about support services provided by the body, or offer or provide support services to the victim.

(2) For the purposes of this paragraph—

“relevant information relating to a victim” means—

- (a) the name and address of the victim;
- (b) any telephone number or e-mail address at which the victim may be contacted; and
- (c) such other information relating to the victim or the criminal conduct concerned as it appears to the police officer or member of the police support staff to be appropriate to disclose for the purpose mentioned in sub-paragraph (1);

“support services” means services involving the provision of information, advice, support or any other form of assistance to victims.

Disclosure by Public Prosecution Service to body providing support services for witnesses

2.—(1) Where the Director of Public Prosecutions has the conduct of criminal proceedings, a member of staff of the Public Prosecution Service may disclose relevant information relating to a witness for the prosecution in those proceedings to a prescribed body for the purpose of enabling that body to advise the witness about support services provided by the body, or offer or provide support services to the witness.

(2) For the purposes of this paragraph—

(a) “relevant information relating to a witness” means—

- (i) the name and address of the witness;
- (ii) the age of the witness;
- (iii) any telephone number or e-mail address at which the witness may be contacted; and
- (iv) such other information relating to the witness or the proceedings concerned as it appears to the member of staff of the Public Prosecution Service to be appropriate to disclose for the purpose mentioned in sub-paragraph (1).

(3) In this paragraph—

“support services” means services involving the provision of information, advice, support or any other form of assistance to prosecution witnesses in criminal proceedings;

“prosecution witness”, in relation to any criminal proceedings, means a person who has been or may be called to give evidence for the prosecution in such proceedings.

Disclosure by Public Prosecution Service for purposes of victim information schemes

3.—(1) A member of staff of the Public Prosecution Service may disclose relevant information relating to a victim to the Department for the purpose of enabling the Department to provide information and advice to the victim in connection with—

- (a) a scheme under section 68 of the Justice (Northern Ireland) Act 2002 (prisoner release victim information scheme); or
- (b) a scheme under section 69A of the Justice (Northern Ireland) Act 2002 (victims of mentally disordered offenders information scheme).

(2) A member of staff of the Public Prosecution Service may disclose relevant information relating to a victim to the Board for the purpose of enabling the Board to provide information and advice to the victim in connection with a scheme under Article 25 of the Criminal Justice (Northern Ireland) Order 2005 (the Probation Board for Northern Ireland victim information scheme).

(3) For the purposes of this paragraph “relevant information relating to a victim” means—

- (a) the name and address of the victim;
- (b) any telephone number or e-mail address at which the victim may be contacted;
- (c) details of the criminal conduct concerned; and
- (d) such other information relating to the victim or the criminal conduct concerned as it appears to the member of staff of the Public Prosecution Service to be appropriate to disclose for the purpose mentioned in sub-paragraph (1).

Unauthorised disclosure of information

4.—(1) If a person to whom this paragraph applies discloses without lawful authority any information—

- (a) acquired in the course of that person’s employment,
- (b) which is, or is derived from, information provided under this Schedule, and
- (c) which relates to a particular person,

that person is guilty of an offence.

(2) This paragraph applies to any person who is—

- (a) employed in a body prescribed under paragraph 1 or 2 or in the provision of services to such a body;
- (b) employed in the Department or in the provision of services to the Department; or
- (c) employed by the Board or in the provision of services to the Board.

(3) It is not an offence under this paragraph to disclose information which has previously been disclosed to the public with lawful authority.

(4) It is a defence for a person charged with an offence under this paragraph to show that at the time of the alleged offence—

- (a) that person believed that the disclosure in question was made with lawful authority and had no reasonable cause to believe otherwise; or
- (b) that person believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(5) A person who is guilty of an offence under this paragraph is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(6) For the purposes of this paragraph a disclosure of information by a person is to be regarded as made with lawful authority if, and only if, it is made—

- (a) in the course of and for the purposes of that person’s employment in a prescribed body;
- (b) in accordance with that person’s official duty as a civil servant or as an employee of the Board;
- (c) in accordance with an authorisation given by the Department, the Board or the prescribed body;
- (d) in accordance with any statutory provision or order of a court;
- (e) for the purposes of any criminal proceedings; or
- (f) with the consent of the person to whom the information relates.

(7) In this paragraph “employment”—

- (a) includes employment as a volunteer; and
- (b) in relation to a particular person, shall be construed in accordance with sub-paragraph (2).

Saving for other powers of disclosure

5. Nothing in this Schedule affects any power to disclose information that exists apart from this Schedule.

Interpretation

6.—(1) In this Schedule—

“the Board” means the Probation Board for Northern Ireland;

“prescribed” means prescribed by regulations made by the Department.

(2) Section 29 (meaning of victim and related terms) applies for the purposes of this Schedule as it applies for the purposes of section 28.’

Minister of Justice

New Schedule

After schedule 3 insert -

‘SCHEDULE 3B

SCHEDULE INSERTED AS SCHEDULE 8A TO THE POLICE ACT 1997

“SCHEDULE 8A
REVIEW OF CRIMINAL RECORD CERTIFICATES

Interpretation

1. In this Schedule—

“conviction” and “spent conviction” have the same meanings as in the Rehabilitation of Offenders (Northern Ireland) Order 1978;

“the independent reviewer” means the person appointed under paragraph 2;

“other disposal”, in relation to a criminal record certificate or enhanced criminal record certificate issued to any person, means any caution, diversionary youth conference or informed warning relating to that person of which details are given in the certificate.

The independent reviewer

2.—(1) There is to be an independent reviewer for the purposes of this Schedule.

(2) The independent reviewer is a person appointed by the Department—

- (a) for such period, not exceeding 3 years, as the Department decides; and
 - (b) on such terms as the Department decides.
- (3) A person may be appointed for a further period or periods.
- (4) The Department may terminate the appointment of the independent reviewer before the end of the period mentioned in sub-paragraph (2)(a) by giving the independent reviewer notice of the determination not less than 3 months before it is to take effect.
- (5) The Department may—
- (a) pay such remuneration or allowances to the independent reviewer as it may determine;
 - (b) make arrangements for the provision of administrative or other assistance to the independent reviewer.
- (6) The independent reviewer must, in relation to each financial year and no later than 3 months after the end of that year, make a report to the Department about the exercise of his or her functions under this Schedule in that year.
- (7) The independent reviewer may make recommendations to the Department as to—
- (a) any guidance issued by the Department under paragraph 3 or which the independent reviewer thinks it would be appropriate for the Department to issue under that paragraph;
 - (b) any changes to any statutory provision which the independent reviewer thinks may be appropriate.
- (8) A person may at the same time hold office as the independent reviewer and as the independent monitor under section 119B.

Guidance

3. The Department may from time to time publish guidance to the independent reviewer as to the exercise of functions under this Schedule; and in exercising functions under this Schedule the independent reviewer must have regard to any guidance for the time being published under this paragraph.

Application for review after issue of certificate

- 4.—(1) A person who receives a criminal record certificate or an enhanced criminal record certificate may apply in writing to the Department for a review of the inclusion in that certificate of—
- (a) the details of any spent conviction; or
 - (b) the details of any other disposal.
- (2) An application under this paragraph must—
- (a) be accompanied by such fee (if any) as may be prescribed; and
 - (b) be made within such period after the issue of the certificate as the Department may specify in a notice accompanying the certificate.
- (3) The Department must refer any application under this paragraph to the independent reviewer together with—
- (a) any information supplied by the applicant in connection with the application; and
 - (b) any other information which appears to the Department to be relevant to the application.

Review by independent reviewer after issue of certificate

- 5.—(1) The independent reviewer, on receiving an application under paragraph 4 in relation to a certificate, must review the inclusion in that certificate of—
- (a) the details of any spent conviction; and
 - (b) the details of any other disposal.
- (2) If, following that review, the independent reviewer determines that the details of any spent conviction or other disposal included in the certificate should be removed—
- (a) the independent reviewer must inform the Department of that fact; and
 - (b) on being so informed the Department must issue a new certificate.
- (3) In issuing such a certificate the Department must give effect to the determination of the independent reviewer and must (in the case of an enhanced certificate) again comply with section 113B(4).

- (4) If, following that review, the independent reviewer determines that the details of any spent convictions or other disposals included in the certificate should not be removed—
- (a) the independent reviewer must inform the Department of that fact; and
 - (b) the Department must inform the applicant that the application is refused.
- (5) The independent reviewer must not determine that details of a spent conviction or other disposal should be removed from a certificate unless the independent reviewer is satisfied that the removal of those details would not undermine the safeguarding or protection of children and vulnerable adults or pose a risk of harm to the public.

Automatic review before issue of certificate containing only details of spent convictions or other disposals of person under 18

- 6.—(1) This paragraph applies where—
- (a) the Department proposes to issue (otherwise than under sub-paragraph (4)(b) or (6)(b)) a criminal record certificate or an enhanced criminal record certificate relating to any person; and
 - (b) the certificate would—
 - (i) contain details of any spent conviction or other disposal which occurred at a time when the person was under the age of 18; but
 - (ii) not contain details of any conviction (whether spent or not) or other disposal occurring after that time.
- (2) The Department must, before issuing the certificate, refer the certificate for review to the independent reviewer together with any information which appears to the Department to be relevant to that review.
- (3) The independent reviewer, on receiving a referral under sub-paragraph (2) in relation to a certificate, must review the inclusion in that certificate of—
- (a) the details of any spent conviction; and
 - (b) the details of any other disposal.
- (4) If, following that review, the independent reviewer determines that the details of any spent conviction or other disposal included in the certificate should be removed—
- (a) the independent reviewer must inform the Department of that fact; and
 - (b) on being so informed the Department must amend the certificate and issue the amended certificate.
- (5) In issuing such a certificate the Department must give effect to the determination of the independent reviewer and must (in the case of an enhanced certificate) again comply with section 113B(4).
- (6) If, following that review, the independent reviewer determines that the details of any spent convictions or other disposals included in the certificate should not be removed—
- (a) the independent reviewer must inform the Department of that fact; and
 - (b) the Department must issue the certificate in the form referred to the independent reviewer.
- (7) The independent reviewer must not determine that details of a spent conviction or other disposal should be removed from a certificate unless the independent reviewer is satisfied that the removal of those details would not undermine the safeguarding or protection of children and vulnerable adults or pose a risk of harm to the public.
- (8) The fact that a review has been carried out under this paragraph before a certificate is issued does not prevent the operation of paragraphs 4 and 5 in relation to the certificate once issued.

Disclosure of information to the independent reviewer

7. The Chief Constable, the Department and the Probation Board for Northern Ireland must provide to the independent reviewer such information as the independent reviewer reasonably requires in connection with the exercise of his or her functions under this Schedule.”’

Minister of Justice

Leave out 'a criminal' and insert 'an enhanced criminal'

Minister of Justice

New Schedule

After schedule 4 insert -

‘SCHEDULE 4A

AMENDMENTS: SERIOUS PHYSICAL HARM TO CHILD OR VULNERABLE ADULT

The Law Reform (Year and a Day Rule) Act 1996 (c. 19)

1. In section 2 (restriction on institution of proceedings for fatal offence) in subsection (3)(c) for “(causing or allowing the death of a child or vulnerable adult)” substitute “of causing or allowing the death of a child or vulnerable adult”.

The Sexual Offences Act 2003 (c. 42)

2. In Schedule 5 (offences for purposes of making sexual offences prevention orders) in paragraph 171A for “the death of a child or vulnerable adult” substitute “a child or vulnerable adult to die or suffer serious physical harm”.

The Domestic Violence, Crime and Victims Act 2004 (c. 28)

3.—(1) For the heading of section 7 substitute “Evidence and procedure in cases of death: Northern Ireland”.

(2) In section 7(5) after “section 5” insert “of causing or allowing a person’s death”.

(3) After section 7 insert—

“Evidence and procedure in cases of serious physical harm: Northern Ireland

7A.—(1) Subsections (3) to (5) apply where a person (“the defendant”) is charged in the same proceedings with a relevant offence and with an offence under section 5 in respect of the same harm (“the section 5 offence”).

(2) In this section “relevant offence” means—

- (a) an offence under section 18 or 20 of the Offences against the Person Act 1861 (grievous bodily harm etc.);
- (b) an offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit murder.

(3) Where by virtue of Article 4(4) of the Criminal Evidence (Northern Ireland) Order 1988 a court or jury is permitted, in relation to the section 5 offence, to draw such inferences as appear proper from the defendant’s failure to give evidence or refusal to answer a question, the court or jury may also draw such inferences in determining whether the defendant is guilty of a relevant offence, even if there would otherwise be no case for the defendant to answer in relation to that offence.

(4) Where a magistrates’ court is considering under Article 37 of the Magistrates’ Courts (Northern Ireland) Order 1981 whether to commit the defendant for trial for the relevant offence, if there is sufficient evidence to put the defendant on trial for the section 5 offence there is deemed to be sufficient evidence to put the defendant on trial for the relevant offence.

(5) The power of a judge of the Crown Court under section 2(3) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 (entry of “No Bill”) is not to be exercised in relation to a relevant offence unless it is also exercised in relation to the section 5 offence.

(6) At the defendant’s trial the question whether there is a case for the defendant to answer on the charge of the relevant offence is not to be considered before the close of all the evidence (or, if at some earlier time the defendant ceases to be charged with the section 5 offence, before that earlier time).’.

The Criminal Justice (Northern Ireland) Order 2008 (NI 1)

4. In Part 1 of Schedule 2 (specified violent offences) in paragraph 30 for “the death of a child or vulnerable adult” substitute “a child or vulnerable adult to die or suffer serious physical harm”.’

Minister of Justice

Schedule 5, Page 102, Line 23

At end insert -

Part 8: DNA profiles or fingerprints

6A. The amendment made by section 76D applies even where the event referred to in paragraph (1) (b) of the substituted Article 63N of the Police and Criminal Evidence (Northern Ireland) Order 1989 occurs before the day on which that section comes into operation.’

Minister of Justice

Schedule 5, Page 102, Line 26

At end insert -

Part 8: Meeting a child following sexual grooming etc.

7A. Section 78A does not apply in a case in which person A met or communicated with person B only once before the event mentioned in Article 22(1)(a)(i) to (iii) of the Sexual Offences (Northern Ireland) Order 2008, if that meeting or communication took place before the coming into operation of that section.’.

Minister of Justice

Schedule 5, Page 102, Line 29

At end insert -

Part 8: Serious physical harm to a child or vulnerable adult

9. An amendment made by section 83A or Schedule 4A does not apply in relation to any harm resulting from an act that occurs, or so much of an act as occurs, before the coming into operation of that amendment.’

Minister of Justice

Schedule 6, Page 102, Line 35

Leave out from beginning to end of line 4 on page 103 and insert -

The Gaming Act (Ireland) 1739 (c. 8)	In section 16 the words from “and shall be laid” to the end.
The Tithe Rentcharge (Ireland) Act 1838 (c. 109)	In section 27 the words “wherein the lands charged therewith may be situate”.
The Fisheries (Ireland) Act 1842 (c. 106)	In section 103 the words “in the district where the same shall be seized”.
The Companies Clauses Consolidation Act 1845 (c. 16)	In section 3 the words “acting for the place where the matter requiring the cognizance of any such justice shall arise and”.
The Railway Clauses Consolidation Act 1845 (c. 20)	In section 11 the words from “Provided also, that” to the end.
The Summary Jurisdiction (Ireland) Act 1851 (c. 92)	In section 1 the words “within his or their respective jurisdictions” and “(when the case shall be heard in any petty sessions district)”.
The Towns Improvement (Ireland) Act 1854 (c. 103)	In section 1 the definition of “assistant barrister”.
The Landlord and Tenant Law Amendment Act (Ireland) 1860 (c. 154)	In Schedule (A) the words “for the county of M,” (wherever occurring).
The Dockyard Ports Regulation Act 1865 (c.125)	Section 22.
The Public Health (Ireland) Act 1878 (c. 52)	In section 2 the definition of “court of quarter sessions”.
The Explosive Substances Act 1883 (c. 3)	In section 6(1) the words “for the county, borough, or place in which the crime was committed or is suspected to have been committed” and “in the said county, borough, or place”.
The Local Government (Ireland) Act 1898 (c. 37)	In section 69(3) the words from “provided that” to the end. Section 69(4) and (5).
The Open Spaces Act 1906 (c. 25)	In section 4(2) the words from “of the district” to the end.

Minister of Justice

Schedule 6, Page 111, Column 2

Leave out lines 23 and 24 and insert -

‘

Section 15(3).

’

Minister of Justice

Schedule 6, Page 117, Line 41, Column 2

At beginning insert -

‘

Section 125(7).

’

Minister of Justice

Schedule 6, Page 121, Line 35

At end insert -

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The Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)	In Schedule 11, paragraph 71(5).
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The Serious Crime Act 2015 (c. 9)	In Schedule 2, in paragraph 11(2)(c) the words “for the petty sessions district in which the lay magistrate was acting when he or she issued the warrant”.
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Minister of Justice