



Northern Ireland  
Assembly

## Committee for Justice

### Minutes of Proceedings

**Thursday 19 March 2026**

**Room 30, Parliament Buildings, Belfast**

**Present:** Paul Frew MLA (Chairperson)  
Emma Sheerin MLA (Deputy Chairperson)  
Aoife Finnegan MLA  
Brian Kingston MLA

**Present by Video or Teleconference:**

Doug Beattie MLA  
Maurice Bradley MLA  
Connie Egan MLA  
Ciara Ferguson MLA

**Apologies:** Patsy McGlone MLA

**In Attendance:** Kathy O'Hanlon (Assembly Clerk)  
Thomas McKillop (Senior Assistant Assembly Clerk)  
Gareth Black (Assistant Assembly Clerk)

Joshua Devlin (Clerical Supervisor)

Aaron Pakenham (Clerical Officer)

The meeting commenced at 2.02pm in closed session.

**Agreed:** That the meeting begin in closed session to continue Committee deliberations on the Justice Bill, the planned Departmental amendments and the agreed Committee amendments.

### **1. Apologies**

As above.

### **2. Justice Bill – Committee Deliberations**

Liz Marsh, Assembly Clerk, Bill Office, attended the meeting to provide advice on various technical aspects of the Justice Bill, planned Departmental amendments, and planned Committee amendments.

#### **2.1 Department of Justice – Response to Clause 8 considerations relevant to bail accommodation**

The Committee noted a response from the Justice Minister to concerns the Committee has raised regarding the lack of a commencement timescale for Clause 8 of the Justice Bill.

**Agreed:** To publish the response on the Committee's webpage.

#### **2.2 S Mulrine – Children and Young Persons Act (Northern Ireland) 1968**

The Committee noted further correspondence from an individual regarding accommodation for children.

**Agreed:** To publish the correspondence on the Committee's webpage.

*Maurice Bradley joined the meeting at 2.08pm.*

The Committee considered the draft text of a potential Committee amendment to review the operation of the provisions within the planned Departmental amendment on live links in courts and tribunals for consideration by the Committee once the planned Ministerial amendment has been tabled.

**Agreed:** To reserve the right to consider whether the Committee will bring forward its amendment once the Ministerial amendment has been tabled.

The Committee also considered the draft text of a potential Committee amendment to the Minister's Restorative Justice amendment, which has not yet been tabled, to include a provision for Criminal Justice Inspection Northern Ireland (CJINI) to carry out initial, pre-accreditation inspections of prospective restorative justice providers prior to them becoming operational. The Committee has sought CJINI's views on such an amendment.

*Ciara Ferguson joined the meeting at 2.16pm.*

**Agreed:** To reserve the right to consider whether the Committee will bring forward an amendment once CJINI's response has been received and the Ministerial amendment has been tabled.

*Liz Marsh left the meeting at 2.29pm.*

*The meeting moved to public session at 2.29pm.*

**Agreed:** That the Justice Bill – Clause by Clause scrutiny, and the oral evidence session with CJINI on their Inspection of Child Criminal Exploitation in Northern Ireland, will be recorded by Hansard.

### **3. Draft Minutes**

**Agreed:** The Committee agreed the minutes of the meeting held on Thursday 12 March 2026.

### **4. Matters Arising**

There were no matters arising.

### **5. Justice Bill – Clause by Clause scrutiny**

The Committee commenced its formal clause by clause consideration of the Justice Bill and proposed Departmental amendments.

**Agreed:** That clauses which relate to similar areas of the Bill will be considered together for the purposes of putting the question.

#### **Clause 1 – Retention of fingerprints and DNA profiles**

The Committee considered Clause 1 and several amendments proposed by the Minister of Justice relating to the replacement of the term ‘reported’ with ‘charged’; to insert New Article 63NA to reference persons completing Community Based Restorative Justice Schemes; to bring in a grace period for DNA and fingerprints being held for individuals under investigation but not yet charged; and to allow for material to be retained by the PSNI pending the outcome of an application to the Biometrics Commissioner where an individual has been arrested but not charged.

Clause 1, Page 8, Line 36

At end insert—

**‘Person completing [community-based] restorative justice process**

**63NA** —(1) This Article applies where P has completed the [community-based] restorative justice process with respect to a recordable offence.

(2) If—

- (a) P was aged 18 or over at the time of the offence, and
- (b) the offence is a qualifying offence,

P’s material may be retained until the end of the period of 75 years beginning with the date on which P completed the process.

(3) If—

- (a) P was aged 18 or over at the time of the offence, and
- (b) the offence is a recordable offence other than a qualifying offence,

P’s material may be retained until the end of the period of 25 years beginning with the date on which P completed the process.

(4) If P was aged under 18 at the time of the offence, P’s material may be retained until the end of the period of 5 years beginning with the date on which P completed the process.

(5) For the purposes of this Article, P completes the [community-based] restorative justice process with respect to an offence if (and only if)—

- (a) P has completed a plan, or any other requirements for successful completion, established with respect to that offence by an accredited provider of [community-based] restorative justice services within the meaning of [section 43 of the Justice and Security (Northern Ireland) Act 2007], and

(b) the Director of Public Prosecutions, having been informed by the Chief Constable of that completion, has determined not to institute proceedings against P in respect of the offence or, as the case may be, not to continue proceedings already instituted against P in respect of the offence.'

Clause 1, Page 9, Line 4

Leave out 'or community-based restorative justice scheme'.

Clause 1, Page 9, Line 6

Leave out from 'either' to end of line 9 and insert 'the diversionary youth conference process with respect to a recordable offence.'

Clause 1, Page 9

Leave out lines 22 to 33.

Clause 1, Page 3, Line 15

Leave out '14' and insert '28'.

Clause 1, Page 4, Line 21

Leave out 'If' and insert 'Paragraphs (4A) and (6A) apply where'.

Clause 1, Page 4, Line 23

At end insert 'and'.

Clause 1, Page 4, Line 24

Leave out from 'and' to end of line 27 and insert—

'(4A) If the Northern Ireland Commissioner for the Retention of Biometric Material (see Article 63Z) has consented under paragraph (5) to the retention of the material,'

Clause 1, Page 4, Line 32

Leave out '(4)' and insert '(4A)'.

Clause 1, Page 4, Line 38

At end insert—

'(6A) If an application is made under paragraph (5) in relation to P's material and (apart from this paragraph) the material would be required to be destroyed before the application is finally determined, the material may be retained until proceedings on the application have been concluded.'

Clause 1, Page 16, Line 31

Leave out '63G(4)(c)' and insert '63G(4A)'.

The Committee also noted that the Department's amendment on Restorative Justice will amend Clause 1 as follows:

Clause 1, Page 7, Line 29

Leave out 'community-based'

Clause 1, Page 7, Line 29

Leave out 'scheme'

**Agreed:** That the Committee is content with the proposed Ministerial amendments to Clause 1.

**Agreed:** That the Committee is content with Clause 1 as amended by the Minister.

### **Clause 2 – Retention of fingerprints and DNA profiles: amendments**

The Committee considered Clause 2 as drafted.

**Agreed:** That the Committee is content with Clause 2 as drafted.

### **Clause 3 – Retention of fingerprints and DNA profiles: supplementary**

The Committee considered Clause 3 and amendment to Clause 3 in the planned Biometrics amendment.

Clause 3, Page 18, Line 18

Leave out ‘, 63S and 63W’ and insert ‘and 63S’.

**Agreed:** The Committee agreed that it was content with the proposed Ministerial amendment to Clause 3.

**Agreed:** That the Committee is content with Clause 3 as amended by the Minister.

### **New Clause – Retention, use and destruction of photographs**

The Committee considered its proposed amendment to introduce a regulation-making power as an amendment to Article 64A of PACE NI (photographing of suspects etc.) to make provision for the retention and use of photographs.

After Clause 3 insert-

*“Retention, use and destruction of photographs*

## **Retention, use and destruction of photographs**

**3A.**-(1) Article 64A of the Police and Criminal Evidence (Northern Ireland) Order 1989 is amended as follows.

(2) After paragraph (7) insert-

(7A) The Department of Justice must make regulations about the retention, use and destruction of photographs taken under this Article.

(7B) Before laying the draft regulations the Department must consult-

- (a) the Information Commissioner;
- (b) the Police Service of Northern Ireland;
- (c) the Northern Ireland Human Rights Commission;
- (d) the Committee for Justice of the Northern Ireland Assembly; and
- (e) such organisations as appear to the Department to be representative of interests substantially affected by the proposals.

(7C) If, as a result of consultation under paragraph (7B), it appears to the Department that it is appropriate to change the whole or any part of its proposals, the Department must undertake such further consultation with respect to the changes as the Department considers appropriate.

(7D) The draft regulations, when laid, must be accompanied by a statement summarising the consultation which the Department conducted under paragraph (7B) and any changes which it made to the draft regulations following the consultation.

(7E) A draft of the regulations must be laid before the Assembly within the period of 5 years beginning with the day on which the Justice Act (Northern Ireland) 2026 received Royal Assent.

(7F) Regulations under paragraph (7A)—

(a) may make such consequential, supplementary or incidental provision as the Department considers appropriate, and

(b) may amend any statutory provision (within the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954).

(7G) The Regulations must be approved by a resolution of the Assembly.”.’

**Agreed:** That the Committee is content with its amendment to introduce new Clause to introduce a regulation-making power for the retention and use of photographs.

**Agreed:** That the Committee recommends to the Assembly that the new Clause is added to the Bill.

#### **Clause 4 – Duties of custody officer after charge**

The Committee considered its proposed amendment to include a child or young person’s vulnerabilities in the range of considerations that the police must have regard to a when making bail and remand decisions in children’s cases.

Clause 4, Page 18, Line 40

After ‘maturity’ insert ‘, vulnerabilities’

**Agreed:** That the Committee is content with its proposed amendment to add ‘vulnerabilities’ to the range of matters to be considered by the police .

**Agreed:** That the Committee is content with Clause 4 as amended by the Committee.

#### **Clause 5 – Police bail after arrest**

The Committee considered its proposed amendment to include a child or young person’s vulnerabilities in the range of considerations that the police must have regard to a when making bail and remand decisions in children’s cases.

Clause 5, Page 19, Line 37

After 'maturity' insert ', vulnerabilities'

**Agreed:** That the Committee is content with its proposed amendment to add 'vulnerabilities' to the range of matters to be considered by the police.

**Agreed:** That the Committee is content with Clause 5 as amended by the Committee.

### **Clause 6 – Court Bail**

The Committee considered its proposed amendment to include a child or young person's vulnerabilities in the range of considerations that police and courts must have regard to when making bail and remand decisions in children's cases.

Clause 6, Page 22, Line 22

After 'maturity' insert ', vulnerabilities'

**Agreed:** That the Committee is content with the amendment to add 'vulnerabilities' to the range of matters to be considered by the court.

**Agreed:** That the Committee is content with Clause 6 as amended by the Committee.

### **Clause 7 – Arrest for absconding or breaking conditions of bail**

The Committee considered Clause 7 as drafted.

**Agreed:** That the Committee is content with Clause 7 as drafted.

**Clause 8 – Considerations relevant to bail: accommodation**

The Committee considered Clause 8 as drafted.

**Agreed:** That the Committee is content with Clause 8 as drafted.

**Clause 9 – Place of detention following sentencing**

**Clause 10 – Powers to sentence child to detention: amendment**

**Clause 11 - Powers to sentence child to detention: removal**

**Agreed:** The Committee agreed to group Clauses 9 to 11 for the purposes of putting the question.

The Committee considered Clauses 9 to 11 as drafted.

**Agreed:** That the Committee is content with Clauses 9 to 11 as drafted.

**Clause 12 – Youth Custody and Supervision Orders**

The Committee considered Clause 12 as drafted.

**Agreed:** That the Committee is content with Clause 12 as drafted.

**Clause 13 - Place of detention following remand in custody**

**Clause 14 - Remand in custody exceeding three months**

**Clause 15 - Consideration of time spent on remand in custody**

**Clause 16 - Place of detention in custody for contempt of court**

**Clause 17 - Removal of powers to remand or commit a child to custody**

**Clause 18 – Minor and consequential amendments**

**Clause 19 – Transitional provisions and savings: custody of children**

**Agreed:** The Committee agreed to group Clauses 13 to 19 for the purposes of putting the question.

The Committee considered Clauses 13 to 19 as drafted.

**Agreed:** That the Committee is content with Clauses 13 to 19 as drafted.

**New Clause 19A – Organised crime groups: definitions**

**New Clause 19B – Participating in the criminal activities of an organised crime group**

**New Clause 19C – Directing the criminal activities of an organised crime group**

**New Clause 19D – Organised crime groups: amendments**

**New Schedule – Organised crime groups: amendments**

The Committee considered new clauses related to Serious Organised Crime proposed by the Minister of Justice to be added to the Bill.

**New Clause**

After clause 19 insert—

**‘PART 2A**

**ORGANISED CRIME GROUPS**

**Organised crime groups: definitions**

**19A.** —(1) The following definitions apply for the purposes of this Part.

(2) An “organised crime group” means a group that—

- (a) has as its purpose, or as one of its purposes, the carrying on of criminal activities with a view to obtaining (directly or indirectly) any gain or benefit, and
- (b) consists of three or more persons who act, or agree to act, together to further that purpose.

(3) A person participates in the criminal activities of an organised crime group if the person does an act and knows, or has reasonable cause to suspect, that—

- (a) the act is part of criminal activities of an organised crime group, or
- (b) the act will facilitate, or is likely to facilitate, an organised crime group to carry on criminal activities.

(4) Criminal activities are activities falling within subsection (5) or (6).

(5) Activities fall within this subsection if—

- (a) they are carried on in Northern Ireland, and
- (b) they constitute an offence in Northern Ireland punishable on conviction on indictment with imprisonment for a term of 4 years or more.

(6) Activities fall within this subsection if—

- (a) they are carried on in a country or territory other than Northern Ireland,
- (b) they constitute an offence under the law in force of the country or territory where they are carried on, and
- (c) they would constitute an offence in Northern Ireland of the kind mentioned in subsection (5)(b) if the activities were carried on in Northern Ireland.

(7) The Department of Justice may by regulations amend the definition of criminal activities.

(8) Regulations under subsection (7) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.'

### **New Clause**

After clause 19 insert—

**‘Participating in the criminal activities of an organised crime group**

**19B** —(1) A person who participates in the criminal activities of an organised crime group commits an offence.

(2) For a person to be guilty of an offence under this section, it is not necessary—

(a) for any criminal activities capable of being facilitated by the person’s act to be carried on,

(b) for the person to know any of the persons who are members of the organised crime group, or

(c) for all of the acts or omissions comprising participation in the group’s criminal activities to be carried on in Northern Ireland (provided that at least one of them is).

(3) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a term not exceeding 10 years or to a fine or to both.’

**New Clause**

After clause 19 insert—

**‘Directing the criminal activities of an organised crime group**

**19C** —(1) A person who directs the criminal activities of an organised crime group commits an offence.

(2) For this purpose, a person directs the criminal activities of an organised crime group if the person—

(a) participates in the criminal activities of an organised crime group,  
and

(b) does so by directing criminal activities of the group, at any level.

(3) Directing criminal activities of an organised crime group includes—

- (a) instructing one or more persons to participate in the criminal activities of an organised crime group;
- (b) controlling one or more persons participating in the criminal activities of an organised crime group.

(4) In subsection (3)(a), “instructing” includes threatening another person and any other means of putting pressure on the other person.

(5) For a person to be guilty of an offence under this section it is not necessary—

- (a) for any criminal activities capable of being directed by the person’s act to be carried on,
- (b) for the person to know any of the persons who are members of the organised crime group, or
- (c) for all of the acts or omissions comprising participation in the group’s criminal activities to be carried on in Northern Ireland (provided that at least one of them is).

(6) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a term not exceeding 14 years or to a fine or to both.’

## **New Clause**

After clause 19 insert—

### **‘Organised crime groups: amendments**

**19D** – Schedule 5 makes further amendments relating to the offences of participating in the criminal activities of an organised crime group and directing the criminal activities of an organised crime group.’

## **New Schedule**

After Schedule 4 insert—

‘SCHEDULE

Section 19D

ORGANISED CRIME GROUPS: AMENDMENTS

*Criminal Justice and Public Order Act 1994*

1. In Part 3 of Schedule 7A to the Criminal Justice and Public Order Act 1994 (cross-border powers of arrest: Northern Ireland offences), after paragraph 68 insert—

“69. An offence under either of the following provisions of the Justice Act (Northern Ireland) 2025—

(a) section 19B (participating in the criminal activities of an organised crime group);

(b) section 19C (directing the criminal activities of an organised crime group).”.

*Proceeds of Crime Act 2002*

2. In Schedule 5 to the Proceeds of Crime Act 2002 (lifestyle offences: Northern Ireland) after paragraph 9A insert—

*“Organised crime*

9B An offence under either of the following provisions of the Justice Act (Northern Ireland) 2025—

(a) section 19B (participating in the criminal activities of an organised crime group);

(b) section 19C (directing the criminal activities of an organised crime group).”.

*Serious Crime Act 2007*

3. —(1) The Serious Crime Act 2007 is amended as follows.

(2) In Part 2 of Schedule 1 (serious offences in Northern Ireland), after paragraph 29A insert—

*“Organised crime*

29B An offence under either of the following provisions of the Justice Act (Northern Ireland) 2025—

- (a) section 19B (participating in the criminal activities of an organised crime group);
- (b) section 19C (directing the criminal activities of an organised crime group).”.

(3) In Part 4 of Schedule 3 (offences under particular enactments: Northern Ireland), after paragraph 49 insert—

*“Organised crime*

49A An offence under either of the following provisions of the Justice Act (Northern Ireland) 2025—

- (a) section 19B (participating in the criminal activities of an organised crime group);
- (b) section 19C (directing the criminal activities of an organised crime group).”.

*Criminal Justice (Northern Ireland) Order 2008*

4. In Schedule 1 to the Criminal Justice (Northern Ireland) Order 2008 (serious offences), after paragraph 31B insert—

*“Justice Act (Northern Ireland) 2025*

31C. An offence under either of the following provisions of the Justice Act (Northern Ireland) 2025—

- (a) section 19B (participating in the criminal activities of an organised crime group);
- (b) section 19C (directing the criminal activities of an organised crime group).”.

*Procurement Act 2023*

5. In Schedule 6 to the Procurement Act 2023 (mandatory exclusion grounds), after paragraph 28 insert—

“28A An offence under either of the following provisions of the Justice Act (Northern Ireland) 2025—

(a) section 19B (participating in the criminal activities of an organised crime group);

(b) section 19C (directing the criminal activities of an organised crime group).”.

**Agreed:** That the Committee is content with the proposed Ministerial amendment to insert four new Clauses and one new Schedule related to serious organised crime groups as drafted.

**Agreed:** That the Committee recommends to the Assembly that the new Clauses and Schedule are added to the Bill.

**Clause 20 – Interviews**

**Clause 21 – Detention**

**Agreed:** The Committee agreed to group Clauses 20 and 21 for the purposes of putting the question.

The Committee considered Clauses 20 and 21 as drafted.

**Agreed:** That the Committee is content with Clauses 20 and 21 as drafted.

**New Clause – Review of the use of Live Links**

The Committee considered its proposed amendment to monitor and review the use of the live links provisions in the Bill as introduced.

**After Clause 21, insert new clause:**

**“Review of use of live links**

**21A.--**(1) The Department of Justice must appoint such person or body as it considers appropriate to-

- (a) monitor and review the operation of live link arrangements conducted under Articles 40(3A) to (3E), 40ZA and 40ZB of the Police and Criminal Evidence (Northern Ireland) Order 1989 (“the live link arrangements”) for the purpose of ascertaining whether, and to what extent, the arrangements are effective;
  - (b) to prepare a report covering the review period in accordance with subsection (2), and before doing so to consult the persons listed in subsection (3).
- (2) The report must include-
- (a) the number of times the live link arrangements have been conducted in each year of the review period, broken down by reference to policing district and offence;
  - (b) an assessment of the extent to which the live link arrangements safeguard the rights of arrested persons, including children, taking particular account of the information obtained under subsection (3); and
  - (c) any other information the Department considers appropriate.
- (3) The persons who must be consulted are-
- (a) the Police Service of Northern Ireland,
  - (b) the Northern Ireland Human Rights Commission,
  - (c) the Northern Ireland Commissioner for Children and Young People,
  - (d) the Incorporated Law Society of Northern Ireland, and

- (e) such other persons as it considers appropriate.
- (4) For the purposes of this section, the review period is the period of not more than 3 years beginning with the day on which sections 20 and 21 have come into operation.
- (5) The Department must lay the report before the Northern Ireland Assembly and publish it in such manner as it considers appropriate.

**Agreed:** That the Committee is content with the amendment to insert a new Clause to make provision to monitor and review the use of live links.

**Agreed:** That the Committee recommends to the Assembly that the new Clause is added to the Bill.

**New Clauses 21A – Directions for participation by live link**

**New Clause 21B – Enabling the public to see and hear proceedings: limited transmission**

**New Clause 21C – Enabling the public to see and hear proceedings: broadcast**

**New Clause 21D – Effect of Live Link direction**

**New Clause 21E – Giving a direction under this Chapter**

**New Clause 21F – Presumption of giving evidence by live link in certain cases**

**New Clause 21G – Varying or rescinding a direction under this Chapter**

**New Clause 21H – Offences in relation to participation through live link**

**New Clause 21I – Offences in relation to limited transmission or broadcasting**

**New Clause 21J – Meaning of “live link” for the purposes of this Chapter**

**New Clause 21K – Other definitions**

**New Clause 21L – Consequential amendments and transitional provisions**

**New Schedule – Publics Authorities for the purposes of Section 21F**

**New Schedule – Amendments and Transitional Provisions**

The Committee considered an amendment proposed by the Minister of Justice to make provision for the use of live links in courts and tribunals.

### **New Clause**

After clause 21 insert—

#### **‘Directions for participation by live link**

**21A.** —(1) Where there are any proceedings before a court or statutory tribunal, the court or tribunal may give a live link direction for any person’s participation in the proceedings.

(2) A live link direction is a direction that permits or (where the court or tribunal has power to compel the person’s participation) requires the person to participate in the proceedings through a live link.

(3) For the purposes of this Chapter, “participation” in proceedings includes in particular participation—

- (a) as a party to the proceedings,
- (b) as a witness,
- (c) as a judge or other member of the court or tribunal,
- (d) as a legal representative acting in the proceedings,
- (e) as an interpreter or other person appointed by the court or tribunal to assist in the proceedings,
- (f) as the clerk to the court or tribunal, or
- (g) as a representative of the press.

(4) But a live link direction may not be given for a person’s participation in proceedings as a member of a jury.

(5) See—

- (a) section 21D for further provision about the effect of a live link direction;
- (b) sections 21E to 21G for provision about the giving of live link directions, and about varying or rescinding them.’

### **New Clause**

After clause 21 insert—

‘Enabling the public to see and hear proceedings: limited transmission

**21B.** —(1) Where—

- (a) there are proceedings before a court or statutory tribunal, and
- (b) the court or tribunal considers it appropriate to do so in order to enable persons who are not taking part in the proceedings to see and hear, or to hear, those proceedings,

the court or tribunal may make a limited transmission direction.

(2) A limited transmission direction is a direction that images and sounds of the proceedings, or sounds of them, are to be—

- (a) transmitted to specified live-streaming premises, or
- (b) broadcast by a transmission to which individuals are given access only having first identified themselves to the court (or to a person acting on behalf of the court).

(3) In subsection (2)(a), “specified live-streaming premises” means any premises, suitable for the purpose of enabling members of the public to watch or listen to the proceedings, that are specified in the direction.

(4) A limited transmission direction may include further provision about—

- (a) the manner of transmission, or
- (b) the persons who are to be able to watch or listen to the transmission (including provision making that ability subject to conditions, or aimed at

preventing persons whom the court or tribunal intends should not watch or listen from being able to do so).

(5) A limited transmission direction may relate to the whole, or to part, of the proceedings concerned.

(6) See sections 21E and 21G for provision about the giving of limited transmission directions, and about varying or rescinding them.’

### **New Clause**

After clause 21 insert—

#### **‘Enabling the public to see and hear proceedings: broadcast**

**21C.** —(1) A court or statutory tribunal may give a direction under subsection (2) or (3) (a “broadcast direction”) if—

- (a) proceedings before the court or tribunal are to be conducted wholly as video proceedings, or wholly as audio proceedings, and
- (b) the court or tribunal considers that (whether because the public gallery in the courtroom is closed or otherwise unavailable, or for any other reason) the giving of the direction is necessary to ensure that there is a public hearing.

(2) If the proceedings are to be conducted wholly as video proceedings, the court or tribunal may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to see and hear the proceedings.

(3) If the proceedings are to be conducted wholly as audio proceedings, the court or tribunal may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to hear the proceedings.

(4) For the purposes of this section, proceedings are conducted wholly as video proceedings, or wholly as audio proceedings, if—

(a) directions have been given, under this Chapter or any other provision, for all the persons taking part in the proceedings to do so through a live video link or a live audio link (as the case may be), and

(b) all those persons take part in the proceedings in accordance with those directions.

(5) But the fact that any of the following persons are present at same location does not prevent the proceedings from being conducted “wholly” as video or audio proceedings—

(a) the judge and any other member of the court or tribunal;

(b) the clerk to, and any other member of staff of, the court or tribunal.

(6) A broadcast direction may relate to the whole, or to part, of the proceedings concerned.

(7) See sections 21E and 21G for provision about the giving of broadcast directions, and about varying or rescinding them.’

## **New Clause**

After clause 21 insert—

### **‘Effect of live link direction**

**21D.** —(1) Where a court is sitting with a jury and a person gives evidence in accordance with a live link direction, the judge or coroner may give the jury such direction as the judge or coroner thinks necessary to ensure that the jury gives the same weight to the evidence as if it had been given in person.

(2) Where a person who is outside Northern Ireland—

(a) gives evidence in pursuance of a live link direction, and

(b) in that evidence, makes a statement on oath,

the statement is to be treated as having been made in Northern Ireland (and Article 3 of the Perjury (Northern Ireland) Order 1979 applies accordingly).

(3) Subsections (4) and (5) apply where a person who is being held in custody or detained in hospital (“P”) is participating in proceedings before a court in accordance with a live link direction and during a hearing—

(a) it falls to the court to determine whether P should continue to be held in custody or detained in hospital,

(b) it appears to the court that P is not able to see and hear the court or that P cannot be seen and heard by it, and

(c) it appears to the court that this cannot be immediately corrected.

(4) If the court is satisfied that it is not reasonably practicable to bring P to the court before P ceases to be held in custody or detained in hospital—

(a) the court may proceed with the hearing, and

(b) if it does so, it may not remand P in custody, or order that P be detained in hospital, for a period exceeding 8 days commencing on the day following the remand or order for detention.

(5) In any other case, the court must adjourn the hearing.

(6) In this section—

(a) references to a person being held in custody are references to the person's being held in custody in a prison, young offenders centre, juvenile justice centre or other institution;

(b) references to a person being detained in hospital are references to the person's being detained in a hospital under Part 2 or 10 of the Mental Capacity Act (Northern Ireland) 2016.'

## **New Clause**

After clause 21 insert—

### **‘Giving a direction under this Chapter**

**21E.** —(1) This section applies to—

- (a) a live link direction for the participation of a person (“P”);
  - (b) a limited transmission direction;
  - (c) a broadcast direction.
- (2) A court or tribunal may make a direction—
- (a) of its own motion,
  - (b) on the application of a party to the proceedings, or
  - (c) in the case of a live link direction, on the application of P.
- (3) Before giving a direction, the court or tribunal must consider—
- (a) the views of the parties to the proceedings, and
  - (b) in the case of a live link direction, the views of P.
- (4) In deciding whether to give a direction, the court or tribunal must have regard to all the circumstances of the case, including in particular—
- (a) in the case of a court, any guidance issued by the Lady Chief Justice or by the Presiding Coroner (as the case may be);
  - (b) any matters set out for this purpose in regulations made by the Department of Justice.
- (5) A court or tribunal must not give a direction unless it is satisfied that it is in the interests of justice to do so (but, in the case of a live link direction, see also section 21F).
- (6) If the court or tribunal gives a direction, it may also direct that a recording of the proceedings (or of any transmission or broadcast of the proceedings) is to be made, in the manner specified in the direction, for the purpose of enabling the court to keep a record of the proceedings.
- (7) Where a court or tribunal refuses an application for a direction, it must—
- (a) state openly its reasons for doing so, and
  - (b) if it is a magistrates’ court, cause the reasons to be entered in the Order Book.

(8) The Department may not make regulations under subsection (4)(b) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(9) The power of a court or tribunal to give a direction is additional to, and does not limit, any other power of the court or tribunal.’

### **New Clause**

After clause 21 insert—

#### **‘Presumption of giving evidence by live link in certain cases**

**21F.** —(1) A court or tribunal must give a live link direction, unless it is satisfied that it would be contrary to the interests of justice to do so, where—

(a) the participant is a public authority, or an officer or representative acting on behalf of a public authority, and the proceedings are single-participant proceedings (see subsection (2)), or

(b) the participant is an expert witness of a class or description specified for the purposes of this paragraph (see subsection (4)).

(2) In subsection (1)(a)— “public authority” means any person listed in Schedule 5; “single-participant proceedings” means—

(a) proceedings to which there is no respondent, or

(b) proceedings on an application made without notice to the respondent (or respondents).

(3) The Department of Justice may by regulations amend Schedule 5.

(4) The Department of Justice may by regulations specify classes or descriptions of expert witnesses for the purposes of subsection (1)(b).

(5) The Department may not make regulations under subsection (3) or (4) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’

## **New Clause**

After clause 21 insert—

### **‘Varying or rescinding a direction under this Chapter**

**21G.** —(1) This section applies to—

- (a) a live link direction for the participation of a person (“P”);
- (b) a limited transmission direction;
- (c) a broadcast direction. Minister of Justice

(2) A court or tribunal may vary or rescind a direction if it appears to the court or tribunal to be in the interests of justice to do so.

(3) The court or tribunal may do so—

- (a) of its own motion,
- (b) on the application of a party to the proceedings, or
- (c) in the case of a live link direction, on the application of P.

(4) An application may not be made under subsection (3)(b) or (c) unless there has been a material change of circumstances since the direction was given.

(5) Before varying or rescinding a direction, the court or tribunal must consider—

- (a) the views of the parties to the proceedings, and
- (b) in the case of a live link direction, the views of P.

(6) Where a court or tribunal varies or rescinds a direction, or refuses an application to do so, it must—

- (a) state openly its reasons for varying or rescinding the direction or refusing to do so, and
- (b) if it is a magistrates’ court, cause the reasons to be entered in the Order Book.’

## **New Clause**

After clause 21 insert—

### **‘Offences in relation to participation through live link**

**21H.** —(1) It is an offence for a person to make—

(a) an unauthorised recording, or

(b) an unauthorised transmission, of an image or sound which is being transmitted through a live link.

(2) Where a person (“A”) is participating in court or tribunal proceedings through a live link, it is an offence for any person (whether A or another) to make—

(a) an unauthorised recording, or

(b) an unauthorised transmission,

of an image of, or sound made by, A.

(3) A recording or transmission is “unauthorised” unless it is authorised (generally or specifically) by the court or tribunal in which the proceedings are conducted.

(4) It does not matter whether the person making a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.

(5) It is a defence for a person charged with an offence under this section to prove that, at the time of the recording or transmission, the person did not know, and could not reasonably have known—

(a) in case of an image or sound within subsection (1), that the image or sound was being transmitted through a live link, or

(b) in case of an image or sound within subsection (2), that the image was of, or the sound was made by, a person while participating in court or tribunal proceedings through a live link.

(6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.’

### **New Clause**

After clause 21 insert—

#### **‘Offences in relation to limited transmission or broadcasting**

**21I.** —(1) It is an offence for a person to make—

- (a) an unauthorised recording, or
- (b) an unauthorised transmission,

of an image or sound which is being transmitted or broadcast in accordance with a limited transmission direction or a broadcast direction.

(2) Where a person (“A”) is viewing or listening to a transmission made in accordance with a limited transmission direction, it is an offence for any person (whether A or another) to make—

- (a) an unauthorised recording, or
- (b) an unauthorised transmission,

of an image of, or sound made by, A.

(3) A recording or transmission is “unauthorised” unless it is—

- (a) authorised by a limited transmission direction or a broadcast direction, or
- (b) otherwise authorised (generally or specifically) by the court or tribunal in which the proceedings concerned are conducted.

(4) It does not matter whether the person making a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.

(5) It is a defence for a person charged with an offence under this section to prove that, at the time of the recording or transmission of the image or sound concerned, the person—

(a) was not in specified live-streaming premises, and

(b) did not know, and could not reasonably have known—

(i) in case of an image or sound within subsection (1), that the image or sound was being transmitted or broadcast in accordance with a limited transmission direction or a broadcast direction, or

(ii) in case of an image or sound within subsection (2), that the image was of, or the sound was made by, a person while viewing or listening to a transmission made in accordance with a limited transmission direction.

(6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) In this section, “specified live-streaming premises” has the same meaning as in section 21B.’

### **New Clause**

After clause 21 insert—

#### **‘Meaning of “live link” for the purposes of this Chapter**

**21J.** —(1) In this Chapter “live link” means a live video link or a live audio link.

(2) A “live video link”, in relation to a person (“P”) participating in proceedings, is a live television link or other arrangement which—

(a) enables P to see and hear all other persons taking part in the proceedings who are not in the same location as P, and

(b) where P is a person mentioned in section 21A(3)(a) to (f), enables all other persons who are taking part in the proceedings but are not in the same location as P, or who are attending the proceedings, to see and hear P.

(3) A “live audio link”, in relation to a person (“P”) participating in proceedings, is a live telephone link or other arrangement which—

(a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P, and

(b) where P is a person mentioned in section 21A(3)(a) to (f), enables all other persons who are taking part in the proceedings but are not in the same location as P, or who are attending the proceedings, to hear P.

(4) The references in subsections (2) and (3) to persons taking part in proceedings are to—

(a) any person mentioned in section 21A(3)(a) to (f), and

(b) where the court is sitting with a jury, any member of the jury.

(5) The references in subsections (2)(b) and (3)(b) to persons attending the proceedings are to—

(a) any other person participating in the proceedings by virtue of a live link, and

(b) any person present in the courtroom or other room (if any) in which a hearing of the proceedings is being held.

(6) Where a court or tribunal—

(a) gives a live link direction, and

(b) has power to order or direct that measures be taken that prevent a participant in the proceedings from seeing and hearing, or from being seen and heard by, any other person,

the references in subsections (2) and (3) to enabling a person to see and hear, or to be seen and heard by, other persons are to be read as being subject to that power.

(7) The extent (if any) to which a person is unable to hear or see by reason of any impairment of hearing or eyesight is to be disregarded for the purposes of subsections (2) and (3).'

## **New Clause**

After clause 21 insert—

## **‘Other definitions**

**21K.** —(1) This section has effect for the purposes of this Chapter.

(2) “Court” means—

- (a) the Court of Appeal,
- (b) the High Court,
- (c) the Crown Court,
- (d) a county court,
- (e) a magistrates’ court, and
- (f) a coroner holding an inquest.

(3) “Statutory tribunal” means a tribunal (however named or described) established by or under a transferred provision, but does not include—

- (a) a court, or
- (b) an industrial tribunal or the Fair Employment Tribunal.

(4) For the purposes of subsection (3), a transferred provision is any statutory provision which—

- (a) would, if included in an Act of the Assembly, be within the competence of the Assembly, and
- (b) would not, if included in a Bill for an Act of the Assembly, result in the Bill requiring the consent of the Secretary of State.

(5) “Recording” means a recording on any medium—

- (a) of a single image, a moving image or any sound, or
- (b) from which a single image, a moving image or any sound may be produced or reproduced.

(6) “Transmission” means any transmission by electronic means of a single image, a moving image or any sound.

(7) An image or sound—

- (a) is transmitted through a live video link if it is transmitted as part of a person’s participation in court or tribunal proceedings through a live video link;
- (b) is transmitted through a live audio link if it is transmitted as part of a person’s participation in court or tribunal proceedings through a live audio link.’

**New Clause**

After clause 21 insert—

**‘Consequential amendments and transitional provisions**

**21L.** —(1) In Schedule 6— Minister of Justice

- (a) Part 1 contains amendments and repeals that are consequential on this Chapter;
- (b) Part 2 contains transitional provision.’

**New Schedule**

After Schedule 4 insert—

**‘SCHEDULE 5**

**Section 21F**

**PUBLIC AUTHORITIES FOR THE PURPOSES OF SECTION 21F**

1. A Northern Ireland department.
2. The First Minister, the deputy First Minister and a Northern Ireland Minister (within the meaning given by the Northern Ireland Act 1998).
3. A district council.
4. A constable.

5. The Police Service of Northern Ireland.

6. Any body of constables appointed under Article 19 of the Airports (Northern Ireland) Order 1994.

7. Any body of special constables appointed in Northern Ireland under section 79 of the Harbours, Docks, and Piers Clauses Act 1847 or section 57 of the Civil Aviation Act 1982.

8. The Director of Public Prosecutions for Northern Ireland.

9. The Police Ombudsman for Northern Ireland.

10. The Probation Board for Northern Ireland.

11. A Health and Social Care trust.’

## **New Schedule**

After Schedule 4 insert—

### ‘SCHEDULE 6

Section 21L

#### AMENDMENTS AND TRANSITIONAL PROVISIONS

##### PART 1

#### CONSEQUENTIAL AMENDMENTS AND REPEALS

##### *Criminal Justice Act (Northern Ireland) 1945*

1. In section 29 of the Criminal Justice Act (Northern Ireland) 1945 (prohibition on taking photographs, etc, in court), after subsection (1A) insert—

“(1B) Subsection (1) does not apply to anything done in accordance with a direction under Chapter 2 of Part 3 of the Justice Act (Northern Ireland) 2025 (live links, transmissions and broadcasts of court and tribunal proceedings).”.

##### *Criminal Appeal (Northern Ireland) Act 1980*

2. —(1) The Criminal Appeal (Northern Ireland) Act 1980 is amended as follows.

(2) In section 24 (right of appellant to be present)—

(a) omit subsections (2A) to (2D);

(b) after subsection (3) insert—

“(4) For the purposes of this section, an appellant who participates in the hearing of an appeal through a live link pursuant to a direction under section 21A of the Justice Act (Northern Ireland) 2025 is to be treated as present on the hearing of the appeal.”.

(3) In section 25 (evidence), omit subsection (4) (as inserted by Article 83(2) of the Criminal Justice (Northern Ireland) Order 2008).

(4) In section 45 (powers of court exercisable by single judge)—

(a) in subsection (2), omit paragraph (fa);

(b) after subsection (3E) insert—

“(3F) Subject to section 44(4), the powers of the Court of Appeal under Chapter 2 of Part 3 of the Justice Act (Northern Ireland) 2025 (live links, transmissions and broadcasts of court and tribunal proceedings) may be exercised by a single judge of the Court.”.

#### *Contempt of Court Act 1981*

3. In section 9 of the Contempt of Court Act 1981 (prohibition of tape recording etc), after subsection (4A) insert—

“(4B) This section does not apply to anything done in accordance with a direction under Chapter 2 of Part 3 of the Justice Act (Northern Ireland) 2025 (live links, transmissions and broadcasts of court and tribunal proceedings).”.

#### *Police and Criminal Evidence (Northern Ireland) Order 1989*

4. Omit Article 80A of the Police and Criminal Evidence (Northern Ireland) Order 1989 (evidence through live links).

*Criminal Justice (Northern Ireland) Order 2003*

5. Omit Article 31 of the Criminal Justice (Northern Ireland) Order 2003 (evidence through live links).

*Crime (International Co-operation) Act 2003*

6. —(1) The Crime (International Co-operation) Act 2003 (hearing witnesses abroad through video or audio links) is amended as follows.

(2) In section 29, omit subsection (3).

(3) In section 50 (subordinate legislation)—

(a) omit subsection (1A);

(b) in subsection (2), for “the Scottish Ministers or the Department of Justice” substitute “or the Scottish Ministers”;

(c) omit subsection (6).

*Criminal Justice (Northern Ireland) Order 2004*

7. Omit Part 3 of the Criminal Justice (Northern Ireland) Order 2004 (live links).

*Constitutional Reform Act 2005*

8. In Schedule 5 to the Constitutional Reform Act 2005 (amendments concerning evidence through television links), omit paragraph 78.

*Criminal Justice (Northern Ireland) Order 2005*

9. Omit Article 24 of the Criminal Justice (Northern Ireland) Order 2005 (evidence through live links).

*Criminal Justice (Northern Ireland) Order 2008*

10. In the Criminal Justice (Northern Ireland) Order 2008, omit the following—

(a) Articles 79 to 81 (live links in preliminary and sentencing hearings);

(b) Article 83 (live links in appeals under the Criminal Appeal Act).

*Justice Act (Northern Ireland) 2011*

11. Omit sections 15 to 18 of the Justice Act (Northern Ireland) 2011 (live links in specified proceedings).

*Justice Act (Northern Ireland) 2015*

12. In the Justice Act (Northern Ireland) 2015, omit the following—

(a) Part 7 (live links in criminal proceedings);

(b) in Schedule 1 (single jurisdiction amendments), paragraph 125;

(c) in Schedule 8 (transitional provisions and savings), paragraph 6 and the italic heading before it;

(d) in Schedule 9, Part 4 (repeal of live link provisions).

*Coronavirus Act 2020*

13. Omit section 57 of, and Schedule 27 to, the Coronavirus Act 2020 (use of live links in legal proceedings in Northern Ireland. PART 2 TRANSITIONAL PROVISION

14. —(1) Sub-paragraph (2) applies where, on the day on which the repeal of any of the following provisions comes into operation, there is in force a direction (or the court has given leave) under that provision—

(a) section 24(2A) of the Criminal Appeal (Northern Ireland) Act 1980;

(b) Article 80A of the Police and Criminal Evidence (Northern Ireland) Order 1989;

(c) Article 10 or 11A of the Criminal Justice (Northern Ireland) Order 2004;

(d) Article 80 or 81 of Criminal Justice (Northern Ireland) Order 2008;

(e) section 16, 17 or 18 of the Justice Act (Northern Ireland) 2011;

(f) section 49, 50 or 51 of the Justice Act (Northern Ireland) 2015;

(g) paragraph 2 of Schedule 27 to the Coronavirus Act 2020.

(2) The direction (or leave) has effect on and after that day as if it were a live link direction under section 21A; but this is subject to any power of the court to vary or rescind that direction under section 21G.

15. —(1) Sub-paragraph (2) applies where, on the day on which the repeal of section 102A(1)(a) or (2)(a) of the Judicature (Northern Ireland) Act 1978 comes into operation, there is in force a direction under that section.

(2) The direction has effect on and after that day as if it were a broadcast direction under section 21C; but this is subject to any power of the court to vary or rescind that direction under section 21G.

16. Until the coming into force of Parts 2 and 10 of the Mental Capacity Act (Northern Ireland) 2016, the references in section 21D(6)(b) to those Parts are to be read as references to Parts 2 and 3 (respectively) of the Mental Health (Northern Ireland) Order 1986.'

**Agreed:** The Committee agreed that it was content with the proposed Ministerial amendment to make provision for the use of live links in courts and tribunals as drafted.

**Agreed:** That the Committee recommends to the Assembly that the 12 new Clauses and two new Schedules are added to the Bill.

The Committee discussed its potential amendment to review the use of live links in courts and tribunals. It was recognised that this cannot be tabled until such times as the Ministerial amendments on the use of live links in courts and tribunals is tabled.

**Agreed:** The Committee agreed to reserve its position on a potential review amendment until after the Minister's amendment has been tabled.

**Clause 22 – Delegation of functions of the Policing Board**

**Clause 23 – Removal of requirement to audit performance plans etc**

**Agreed:** The Committee agreed to group Clauses 22 and 23 for the purposes of putting the question.

The Committee considered Clauses 22 and 23 as drafted.

**Agreed:** That the Committee is content with Clauses 22 and 23 as drafted.

**New Clause 23A – Powers to photograph certain persons at a police station**

**New Schedule – Power to photograph certain persons at a police station**

The Committee considered an amendment proposed by the Minister of Justice to insert a new clause 23A, which introduces new Schedule 5 – Power to Photograph Certain Persons at a Police Station.

**New Clause**

After clause 23 insert—

**‘Powers to photograph certain persons at a police station**

**23A** Schedule 5 makes provision conferring powers to photograph certain persons at a police station.’

**New Schedule**

After Schedule 4 insert—

‘SCHEDULE

Section 23A

POWER TO PHOTOGRAPH CERTAIN PERSONS AT A POLICE STATION

1. Part 6 of the Police and Criminal Evidence (Northern Ireland) Order 1989 is amended as follows.

2. —(1) In Article 64A (photographing of suspects), after paragraph (1B) insert—

“(1C) A person to whom paragraphs (1) and (1A) do not apply may be photographed at a police station without the appropriate consent if that person falls within paragraph (1D), (1F) or (1H).

(1D) A person falls within this paragraph if—

- (a) the person has been arrested for a recordable offence and released,
- (b) the person has been charged with a recordable offence, or
- (c) a complaint has been laid against the person for a recordable offence;

and either of the conditions in paragraph (1E) is met.

(1E) The conditions referred to in paragraph (1D) are —

- (a) that the person has not been photographed in the course of the investigation of the offence by the police;
- (b) that the person has been so photographed but the photograph (or, if there is more than one photograph, any of them) is unavailable or inadequate.

(1F) A person falls within this paragraph if the person has been —

- (a) convicted of a recordable offence, or
- (b) given a caution in respect of a recordable offence which, at the time of the caution the person has admitted;

and either of the conditions in paragraph (1G) is met.

(1G) The conditions referred to in paragraph (1F) are —

- (a) that the person has not been photographed since being convicted or cautioned;
- (b) that the person has been so photographed but the photograph (or, if there is more than one photograph, any of them) is unavailable or inadequate.

(1H) A person falls within this paragraph if —

- (a) under the law in force in a country or territory outside Northern Ireland the person has been convicted of an offence under that law (whether or not the person has been punished for it),
- (b) the act constituting the offence would constitute a qualifying offence if done in Northern Ireland (whether or not it constituted such an offence when the person was convicted), and
- (c) either of the conditions in paragraph (1I) is met.

(1I) The conditions referred to in paragraph (1H) are —

- (a) that the person has not been photographed on a previous occasion by virtue of being a person falling within paragraph (1H);
- (b) that the person has been so photographed but the photograph (or, if there is more than one photograph, any of them) is unavailable or inadequate.

(1J) In paragraphs (1E), (1G) and (1I) —

- (a) references to a photograph being unavailable include references to it being lost or destroyed, and
- (b) references to a photograph being inadequate include references to it —
  - (i) being unclear;
  - (ii) being an incomplete photograph of the subject;
  - (i) being no longer an accurate representation of the subject's appearance;

(iv) failing to meet quality or technical standards.

(1K) A person may be photographed under paragraph (1C) only with the authorisation of an officer, of at least the rank of inspector, who is satisfied that taking the photograph is necessary to assist in the prevention or detection of crime.

(1L) In paragraph (1K) the reference to crime includes a reference to any conduct which —

(a) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom), or

(b) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences.

(1M) Where a person is photographed without the appropriate consent by virtue of any power conferred by this Article —

(a) before the photograph is taken, an officer must inform the person of —

(i) the reason for taking the photograph;

(ii) the power by virtue of which it is taken; and

(iii) in a case where the authorisation of an officer is required under paragraph (1K) for the exercise of the power, the fact that the authorisation has been given; and

(b) those matters shall be recorded as soon as practicable after the photograph is taken.

(1N) The reason referred to in paragraph (1M)(a)(i) must include, except in a case where the photograph is taken under paragraph (1F) or (1H), a statement of the nature of the offence in which it is suspected that the person has been involved.”.

(2) For the purposes of the references in paragraphs (1D), (1F) and (1H) of Article 64A (as inserted by sub-paragraph (1)) to a person —

- (a) being arrested for, or charged with, a recordable offence,
- (b) being convicted of a recordable offence or being given a caution for one, or
- (c) being convicted of an offence under the law in force in a country or territory outside Northern Ireland,

it does not matter whether that event occurs before or after the coming into operation of this paragraph.

3. In Schedule 2A (power to require attendance at police station), after paragraph 14 insert—

“PART 3A

PHOTOGRAPHS

*Persons arrested and released*

14A. —(1) A constable may require a person who falls within Article 64A(1D)(a) to attend a police station to be photographed under Article 64A(1C).

(2) Where Article 64A(1E)(b) applies (photograph taken on a previous occasion unavailable or inadequate), the power under this paragraph may not be exercised after the end of the period of six months beginning with the day on which the appropriate officer was informed that the photograph in question was unavailable or inadequate.

(3) In sub-paragraph (2) the “appropriate officer” means the officer investigating the offence for which the person was arrested.

*Persons charged etc*

14B. —(1) A constable may require a person who falls within Article 64A(1D)(b) or (c) to attend a police station to be photographed under Article 64A(1C).

(2) Where Article 64A(1E)(a) applies (photograph not previously taken), the power under this paragraph may not be exercised after the end of the period of six months beginning with the day on which the person was charged or the complaint was laid.

(3) Where Article 64A(1E)(b) applies (photograph taken on a previous occasion unavailable or inadequate), the power under this paragraph may not be exercised after the end of the period of six months beginning with the day on which the appropriate officer was informed that the photograph in question was unavailable or inadequate.

(4) In sub-paragraph (3) the “appropriate officer” means the officer investigating the offence in question.

*Persons convicted of an offence etc in Northern Ireland*

14C. —(1) A constable may require a person who falls within Article 64A(1F) to attend a police station to be photographed under Article 64A(1C).

(2) Where Article 64A(1G)(a) applies (photograph not previously taken), the power under this paragraph may not be exercised after the end of the period of two years beginning with —

(a) the day on which the person was convicted or cautioned, or

(b) if later, the day on which this Part comes into force.

(3) Where Article 64A(1G)(b) applies (photograph taken on previous occasion unavailable or inadequate), the power under this paragraph may not be exercised after the end of the period of two years beginning with —

(a) the day on which an appropriate officer was informed that the photograph in question was unavailable or inadequate, or

(b) if later, the day on which this Part comes into force.

(4) In sub-paragraph (3)(a), “appropriate officer” means an officer of the police force which investigated the offence in question.

(5) Sub-paragraphs (2) and (3) do not apply where the offence is a qualifying offence (whether or not it was such an offence at the time of the conviction or caution).

*Persons convicted of an offence etc. outside Northern Ireland*

14D. A constable may require a person falling within Article 64A(1H) to attend at a police station to be photographed under Article 64A(1C).”.

4. —(1) Schedule 2A is further amended as follows.

(2) In the heading, for “and samples” substitute “, samples and photographs”.

(3) In the italic heading before paragraph 15 (requirement to have power to take fingerprints or sample), for “or sample” substitute “, sample or photograph”.

(4) In paragraph 15 —

(a) for “or a sample” substitute “, a sample or a photograph”, and

(b) for “or sample”, in both places it occurs, substitute “, sample or photograph”.

(5) In paragraph 16(2) (date and time of attendance), for “or sample” substitute “, sample or photograph”.

**Agreed:** That the Committee is content with the new Clause 23A and the new Schedule to provide the powers to photography certain persons at a police station as drafted.

**Agreed:** That the Committee recommends to the Assembly that the new Clause and the new Schedule are added to the Bill.

### **New Clause 23B – Power to specify date of attendance at police station for fingerprinting etc.**

The Committee considered an amendment proposed by the Minister of Justice to insert a new Clause 23B to amend the PACE Order to require attendance at a police station for fingerprinting.

### **New Clause**

After clause 23 insert—

**‘Power to specify date of attendance at police station for fingerprinting etc**

**23B.** —(1) Paragraph 16 of Schedule 2A to the Police and Criminal Evidence (Northern Ireland) Order 1989 is amended as follows.

(2) For paragraphs (a) and (b) of sub-paragraph (1) substitute—

“(a) must direct the person to attend the police station on a specified date, and

(b) may either direct the person to attend at a specified time on that date or direct the person to attend between specified times on that date.”

(3) In sub-paragraph (2), for “period or time or times of day” substitute “date, time or times”.

(4) Omit sub-paragraphs (3) and (4).

(5) In sub-paragraph (5), for “any period within which, or date or time at which,” substitute “any date, time at which or times between which”.

**Agreed:** That the Committee is content with the new Clause 23B to require attendance at a police station for fingerprinting etc. as drafted.

**Agreed:** That the Committee recommends to the Assembly that the new Clause is added to the Bill.

**Clause 24 – Consent for prosecution in cases of conspiracy to commit offence outside Northern Ireland**

**Clause 25 – Death of child or vulnerable adult: limitation of power to “No Bill” alternative charge**

**Clause 26 – Examination in criminal proceedings through intermediary**

**Agreed:** The Committee agreed to group Clauses 24 to 26 for the purposes of putting the question.

The Committee considered Clauses 24 to 26 as drafted.

**Agreed:** That the Committee is content with Clauses 24 to 26 as drafted.

### **New Clause 26A – Accredited providers of restorative justice services**

The Committee considered an amendment proposed by the Minister of Justice to add a new clause to the Bill relating to restorative justice.

#### **New Clause**

After clause 26 insert—

#### **‘Accredited providers of restorative justice services**

26A. —(1) The Department of Justice must —

- (a) determine requirements for the accreditation of persons to provide restorative justice services, and
- (b) maintain a register of persons who are accredited in accordance with those requirements.

(2) The requirements must include a requirement that accredited persons cooperate with the Chief Inspector of Criminal Justice in Northern Ireland.

(3) The requirements may include —

- (a) in the case where an accredited person is a body, a requirement to be a registered charity;
- (b) in the case where an accredited person employs other persons, requirements to be met by some or all of the person’s employees or other staff;
- (c) requirements that a person is required to comply with during the period that the person is accredited;

- (d) additional requirements which must be met by persons providing restorative justice services in particular kinds of case;
  - (e) requirements to establish procedures for dealing with complaints made to the person about the provision of restorative justice services;
  - (f) requirements as to the submission of reports about work undertaken, and as to the provision of information and documents demonstrating that other requirements are met.
- (4) The Department must add a person to the register if —
- (a) the person applies to be added, and
  - (b) the Department determines that the person meets the requirements for accreditation.
- (5) The Chief Inspector may carry out inspections of accredited persons; and —
- (a) the Chief Inspector must from time to time make a report to the Department on inspections carried out by virtue of this subsection, and
  - (b) section 49(1A) to (1L) of the Justice (Northern Ireland) Act 2002 (laying of Chief Inspector's reports before the Assembly) apply in relation to a report under paragraph (a) as they apply in relation to a report under subsection (1) of that section.
- (6) The Department may remove a person from the register if the Department determines that the person no longer meets the requirements for registration.
- (7) The Department may make other provision about registration, including —
- (a) provision that a person's accreditation expires after a specified period of time (unless the person applies for it to be renewed);
  - (b) provision about applications for re-accreditation by persons who have been removed from the register under subsection (6)

(including conditions which must be met before such an application may be made);

(c) provision for appeals against decisions of the Department.

(8) The Department must make arrangements for the publication of the register and of the requirements and other provision determined under this section.

(9) Section 43 of the Justice and Security (Northern Ireland) Act 2007 is repealed.'

The Committee was reminded that the views of Criminal Justice Inspection Northern Ireland have been sought on a potential Committee amendment to require pre-accreditation checks for persons wishing to provide restorative justice services.

**Agreed:** That the Committee is content with the Justice Minister's proposed amendment to add a new Clause to the Bill relating to restorative justice.

**Agreed:** That the Committee recommends to the Assembly that that the new clause is added to the Bill, while reserving the right to bring forward an amendment to the Department's amendment at a later stage to provide for pre-accreditation checks.

### **Clause 27: Legal aid charges to be registrable in the statutory charges register**

The Committee considered Clause 27 as drafted.

**Agreed:** That the Committee is content with Clause 27 as drafted.

### **Clause 28 – Restriction on ordering taxation of legal aid**

The Committee considered Clause 28 as drafted.

The Committee noted that the Minister intended to bring a further taxation reform amendment, which would require that Clause 28 would be removed from the Bill.

**Agreed:** That the Committee is not content with Clause 28 as drafted.

### **New Clauses 28A – Rehabilitation periods for convictions;**

### **New Clause 28B - Applications in respect of certain sentences otherwise excluded from rehabilitation**

The Committee considered new clauses 28A and 28B proposed by the Minister of Justice which will reduce rehabilitation periods for existing convictions and to allow more convictions to become capable of becoming spent.

### **New Clause**

After clause 28 insert—

### **‘Rehabilitation periods for convictions**

**28A.** —(1) Article 6 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (“the 1978 Order”) is amended in accordance with subsections (2) to (11).

(2) In paragraph (1), in sub-paragraphs (b) and (d) and in the second sub-paragraph (e), for “thirty months” substitute “10 years”.

(3) For paragraph (2) substitute —

“(2) For the purposes of this Order, the rehabilitation period for a sentence begins with the date of the conviction in respect of which the sentence was imposed and ends —

(a) in the case of a sentence specified in the first column of Table A—

(i) at the end of the period specified in the second column of that Table, or

(ii) where the person on whom the sentence was imposed was aged under 18 at the date of conviction, at the end of the period specified in the third column of that Table;

(b) in the case of a sentence specified in the first column of Table B, at the end of the period specified in the second column of that Table;

(c) in the case of a sentence specified in any of paragraphs (3) to (8A), at the time specified in that paragraph;

but (in the case of sub-paragraphs (a) and (b)) this is subject to paragraphs (2A) to (2D).

**Table A**

**Custodial sentences available regardless of age of offender**

<i>Sentence</i>	<i>If person was 18 or over at conviction, rehabilitation period ends at end of—</i>	<i>If person was under 18 at conviction, rehabilitation period ends at end of—</i>
A sentence of imprisonment for a term of more 4 years but not more than 10 years	The term of the sentence plus 7 years	The term of the sentence plus 42 months
A sentence of imprisonment for a term of more than 1 year but not more than 4 years	The term of the sentence plus 4 years	The term of the sentence plus 2 years
A sentence of imprisonment for a term of 1 year or less	The term of the sentence plus 1 year	The term of the sentence plus 6 months
Any sentence of detention in respect of a conviction in service disciplinary proceedings	The term of the sentence plus 1 year	The term of the sentence plus 6 months
A sentence of cashiering, sentence of dismissal, discharge with ignominy or dismissal with disgrace from His Majesty’s service	1 year	6 months

**Table B**

**Custodial sentences available only where offender is under 18**

<i>Sentence</i>	<i>The rehabilitation period ends at the end of—</i>
A sentence of detention for a term of more than 4 years but not more than 10 years passed under Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998	The term of the sentence plus 42 months
A sentence of detention under Article 45 of that Order for a term of more than 1 year but not more than 4 years, or a youth custody and supervision order under Article 38A of that Order for a term of more than 2 years but not more than 4 years	The term of the sentence plus 2 years
A youth custody and supervision order under Article 38A of that Order, or a juvenile justice centre order under Article 39 of that Order, for a term of more than 1 year but not more than 2 years	The term of the sentence plus 1 year
A youth custody and supervision order under Article 38A of that Order, a juvenile justice centre order under Article 39 of that Order or a sentence of detention under Article 45 of that Order for a term of 1 year or less	The term of the sentence plus 6 months
A sentence of detention passed under section 209 of the Armed Forces Act 2006	The term of the sentence plus 6 months

(2A) Paragraphs (2B) to (2D) apply for the purposes of determining the end of the period specified in the second and third columns in Table A and the second column in Table B.

(2B) The term of any sentence is to be increased by any period during which the person is unlawfully at large.

(2C) Paragraph (2D) applies if a court orders under section 19 of the Treatment of Offenders Act (Northern Ireland) 1968 that a suspended sentence (or order for detention) is to take effect (whether the court does so before or after the end of the rehabilitation period for that sentence).

(2D) The term of the sentence is to be regarded as beginning on the day on which the court makes the order under section 19 (instead of on the date of conviction).

This does not limit the effect of paragraph (9)(d).”.

(4) For paragraph (3) substitute—

“(3) Where a person is discharged absolutely for an offence—

(a) the person is to be treated as a rehabilitated person in respect of the conviction immediately after the order for the person's discharge is made, and

(b) references in this Order to the rehabilitation period applicable to the order are to have effect as if the period ended on the date of conviction.”.

(5) In paragraph (4)—

(a) for “shall be one year from the date of conviction or a period beginning with that date and ending” substitute “ends”;

(b) omit “whichever is the longer”.

(6) In paragraph (4A), for the words from “shall be” to the end substitute “ends when the order ceases to have effect”.

(7) In paragraph (4B), for the words from “shall be” to the end substitute “ends when the order ceases to have effect”.

(8) In paragraph (5)—

(a) for “shall be one year from the date of conviction or a period beginning with that date and ending” substitute “ends”;

(b) omit “whichever is the longer”.

(9) In paragraph (6)—

(a) omit sub-paragraph (b);

(b) for “shall be a period beginning with the date of conviction and ending one year after the date on which” substitute “ends when”.

(10) For paragraph (8) substitute—

“(8) Where in respect of a conviction an order was made —

(a) imposing any disqualification, disability, prohibition, penalty, requirement or restriction, or

(b) which is otherwise intended to regulate behaviour, the rehabilitation period ends when the order ceases or ceased to have effect.”.

(11) After paragraph (8) insert —

“(8A) In the case of a fine, or any other sentence which is subject to rehabilitation but for which no rehabilitation period is specified in paragraphs (2) to (8), the rehabilitation period ends —

(a) if the offender was aged 18 or over at the date of conviction, at the end of the period of 12 months beginning with that date;

(b) if the offender was aged under 18 at the date of conviction, at the end of the period of 6 months beginning with that date.”.

(12) In Article 7(5) of the 1978 Order, for “imposing on a person any disqualification, disability, prohibition or other penalty” substitute “described in that paragraph”.

(13) In Article 8(1)(c) of the 1978 Order, for “or other penalty” substitute “penalty, requirement, restriction or other provision intended to regulate behaviour”.

(14) The amendments made by this section apply in relation to convictions before the commencement day (as well as in relation to convictions on or after that day).

(15) But—

(a) no person who, immediately before the commencement day is treated as a rehabilitated person for the purposes of the 1978 Order in respect of a conviction, and

(b) no conviction which, immediately before the commencement day, is treated for the purposes of that Order as spent,

is to cease to be so treated merely because of the amendments made by this section.

(16) In subsections (14) and (15), “the commencement day” means the day on which this section comes into operation.

(17) Omit—

- (a) paragraph 3(2) of Schedule 4 to the Armed Forces Act 1981;
- (b) paragraph 11(b) of Schedule 5 to the Criminal Justice (Children) (Northern Ireland) Order 1998;
- (c) paragraph 3 of Schedule 11 to the Justice (Northern Ireland) Act 2002.'

### **New Clause**

After clause 28 insert—

#### **‘Applications in respect of certain sentences otherwise excluded from rehabilitation**

**28B.** —(1) After Article 7 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 insert —

#### **“Applications in respect of certain sentences otherwise excluded from rehabilitation**

**7A.** —(1) The Department of Justice may make regulations for and in connection with allowing a person on whom a sentence listed in paragraph (2) has been imposed in respect of a conviction to apply for an order under paragraph (3).

(2) The sentences referred to in paragraph (1) are —

- (a) a sentence of imprisonment or corrective training for a term exceeding 10 years;
- (b) a sentence of detention for a term exceeding 10 years, passed under Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998;
- (c) a sentence of detention for a term exceeding 10 years, passed under section 209 of the Armed Forces Act 2006.

(3) An order under this paragraph is an order that the person is to be treated as a rehabilitated person in respect of the conviction in question.

(4) Where a court makes an order under paragraph (3) —

- (a) the conviction is to be treated as being spent, and
- (b) accordingly, the sentence imposed in respect of that conviction is not to be regarded as a sentence excluded from rehabilitation for the purposes of this Order.

(5) Regulations under this Article must provide that an order under paragraph (3) is to be made by a specified court or tribunal and may include provision about —

- (a) who may or may not make an application (including provision that applications may not be made less than a specified period after the date of the conviction);
- (b) the date from which the person is to be treated as a rehabilitated person in respect of the conviction;
- (c) the procedure for making and determining applications, including the form of application, information to be provided, and fees to be paid;
- (d) matters to which the court or tribunal must, or may, have regard in determining an application;
- (e) the arrangements for notification or publication of orders;
- (f) the review of, or appeals from, the determination of an application;
- (g) second or subsequent applications if an application is refused (including specifying a period during which such applications may not be made);
- (h) reports to be produced on the number of applications made and the outcome of applications, and for the delivery of

those reports to the Department or other persons or their publication.

(6) Regulations under this Article may make further provision about the effect of orders, including by —

- (a) specifying exceptions or modifications to the effect of orders as set out in paragraphs (3) and (4);
- (b) enabling a court or tribunal to limit or restrict the effect of an order in circumstances set out in the order.

(7) In this Article—

“sentence of imprisonment” has the meaning given in Article 6(9);

“specify” means specify in the regulations.

(8) Regulations under this Article—

- (a) may make consequential, supplementary and incidental provision;
- (b) may amend any statutory provision.

(9) Regulations may not be made under this Article unless a draft of the regulations has been laid before, and approved by, a resolution of the Assembly.”.

(2) In Article 6 of that Order, after paragraph (1) insert —

“(1A) Paragraph (1) is subject, in the case of a sentence imposed for a conviction, to any order made under Article 7A(3) in respect of that conviction.”.’

**Agreed:**

That the Committee is content it is content with the Justice Minister’s proposed amendment to add two new Clauses to the Bill relating to the rehabilitation of offenders as drafted.

**Agreed:** That the Committee recommends to the Assembly that the new clauses are added to the Bill.

**Clause 29 - Automatic review of criminal records certificates**

The Committee considered Clause 29 as drafted.

**Agreed:** That the Committee is content with Clause 29 as drafted.

**New Clause 29A - Matters to be included in criminal record certificates;**

**New Clause 29B - Rehabilitation of offenders: excluded offences**

**New Schedule – Matters to be included in a Criminal Record Certificate**

The Committee considered new clauses 29A and 29B, and the new Schedule 5, proposed by the Minister of Justice.

**New Clause**

After clause 29 insert—

**‘Matters to be included in criminal record certificates**

29A —(1) Section 113A of the Police Act 1997 (criminal record certificates) is amended as follows.

(2) In subsection (6), for the definition of “relevant matter” substitute—

““relevant matter” means any of the following—

- (a) a current conviction;
- (b) a conviction for an offence falling within Schedule 8ZA;
- © a conviction in respect of which a sentence of imprisonment, a custodial order or a sentence of service detention was imposed;

(d) a current caution, restorative caution, diversionary youth conference or informed warning;

© a caution, restorative caution, diversionary youth conference or informed warning for an offence falling within Schedule 8ZA.”.

(3) Omit subsection (6D).

(4) In subsection (6E)—

(a) omit “as it has effect in Northern Ireland”;

(b) for paragraph (f) substitute—

“(f) “sentence of imprisonment” has the meaning given by Article 6 of the Rehabilitation of Offenders (Northern Ireland) Order 1978;

(g) “custodial order” means—

(i) a sentence of corrective training;

(ii) a sentence of preventative detention;

(1) a sentence of detention under Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998;

(iv) a youth custody and supervision order under Article 38A of that Order;

(v) an indeterminate custodial sentence under Article 13 of the Criminal Justice (Northern Ireland) Order 2008;

(vi) an extended custodial sentence under Article 14 of that Order;

(vii) any sentence of a kind superseded (whether directly or indirectly) by a sentence falling within subparagraph (i) to (vi);

(h) “sentence of service detention” means a sentence of detention in respect of a conviction in service disciplinary proceedings;

(i) “service disciplinary proceedings” has the meaning given by Article 2 of the Rehabilitation of Offenders (Northern Ireland) Order 1978.”.

(5) After subsection (7) insert—

“(7A) The Department may by order amend Schedule 8ZA so as o—

- (a) add or remove an offence or a description of an offence;
- (b) vary an entry relating to an offence or a description of an offence.

(7B) Before making an order under subsection (7A) the Department must consult—

- (a) the Department of Health in Northern Ireland,
- (b) the Police Service of Northern Ireland, and
- © any person appointed under paragraph 2 of Schedule 8A.

(7C) The power to amend Schedule 8ZA under subsection (7A) is additional to, and does not limit, the power to amend the definition of “relevant matter” under subsection (7).”.

(6) In subsections (1), (5) and (7), for “Secretary of State” substitute “Department”.

(7) In subsection (5)—

- (a) in paragraph (a), for “his” substitute “its”;
- (b) in paragraph (b), for “him” substitute “it”.

(8) In subsection (6), in the definition of “exempted question” for the words from “section 4(2)(a) or (b)” to the end substitute “Article 5(2)(a) or (b) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (effect of rehabilitation) has been excluded by an order of the Department under Article 5(4) of that Order”.

(9) Schedule 5 inserts into the Police Act 1997 a new Schedule 8ZA (matters to be included in a criminal record certificate: Northern Ireland).’

## **New Clause**

After clause 29 insert—

**‘Rehabilitation of offenders: excluded offences**

**29B** —(1) In Article 1A(4) of the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 (definition of “listed offence”), for the words from “means” to the end substitute “means an offence falling within Schedule 8ZA to the Police Act 1997.”.

(2) Nothing in subsection (1) affects the power of the Department of Justice to amend Article 1A of the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 in exercise of the powers conferred by Article 5(4) of the Rehabilitation of Offenders (Northern Ireland) Order 1978.’

New Schedule

After Schedule 4 insert—

‘SCHEDULE 5

MATTERS TO BE INCLUDED IN A CRIMINAL RECORD CERTIFICATE

1. In the Police Act 1997, after Schedule 8 insert the following Schedule —

“SCHEDULE 8ZA

Section 113A

MATTERS TO BE INCLUDED IN A CRIMINAL RECORD CERTIFICATE:

NORTHERN IRELAND

PART 1

COMMON LAW OFFENCES

*Northern Ireland*

1 Any of the following offences under the law of Northern Ireland—

abducting girl under 18 with intention of marriage;

abducting girl under 18;

affray;  
breach of the peace;  
false imprisonment;  
going armed so as to terrify the public;  
indecent – outraging public decency;  
infanticide;  
kidnapping;  
manslaughter;  
murder;  
plagium (theft of a child below the age of puberty);  
publishing obscene libel;  
publishing or exhibiting or selling indecent or obscene things;  
rape;  
riot or incipient riot;  
unlawful assembly.

*Scotland*

2 Any of the following offences under the law of Scotland—  
abduction with intent to rape;  
assault with intent to rape;  
clandestine injury to child;  
indecent assault;  
lewd, indecent, or libidinous behaviour;  
sodomy.

## PART 2

### STATUTORY OFFENCES

#### *Adoption and Children*

3 An offence under any of the following provisions of the Children and Young Persons (Scotland) Act 1937—

section 1 (failure to provide notice - receiving children for reward);

section 12 (cruelty to persons under 16);

section 13 (causing, encouraging or favouring seduction or prostitution of girl under sixteen);

section 32 (restrictions on children taking part in entertainments);

section 33 (prohibition of persons under sixteen taking part in performances endangering life or limb);

section 34 (training a child under twelve for performances of a dangerous nature).

4 An offence under section 29(5) of the Children Act 1948 (carrying on a voluntary home without registration).

5 An offence under any of the following provisions of the Children and Young Persons Act (Northern Ireland) 1950—

section 2(8) (restriction on nursing and maintenance of children);

section 11(1) (cruelty to persons under sixteen);

section 12(1) (causing or encouraging seduction or prostitution of girl under seventeen);

section 99(5) (carrying on a voluntary home without registration);

section 101(3) (failing to comply with regulations regarding conduct of voluntary homes).

6 An offence under section 14 of the Children Act 1958 (offences relating to private fostering).

7 An offence under any of the following provisions of the Children and Young Persons Act (Northern Ireland) 1968—

section 9(1) (offences relating to private fostering);

section 14 (offences relating to child minding and daycare);

section 20 (cruelty to persons under sixteen);

section 21 (causing or encouraging seduction or prostitution of girl under 17);

section 22 (indecent conduct towards child);

section 23 (allowing children or young persons to be in brothels);

section 24 (causing or allowing persons under sixteen to be used for begging);

section 25 (giving intoxicating liquor to children);

section 29 (exposing children under twelve to risk of burning);

section 30 (failing to provide for safety of children at entertainments);

section 32 (obstructing constable in exercise of powers authorised by warrant to search for or remove a child or young person);

section 127(5) (carrying on a voluntary home without registration);

section 129(3) (contravening regulation relating to conduct of voluntary homes);

section 132A (failure to answer summons of Appeal Tribunal or cooperate with Appeal Tribunal);

section 140 (assisting etc. a child who is absent without authorisation from training school);

section 144(3) (assisting etc. a child who has is absent without authorisation from care);

section 168 (obstructing person authorised to inspect premises in which child maintained under Act).

8 An offence under section 32(3) of the Children and Young Persons Act 1969 (assisting etc. a child who is absent without authorisation).

9 An offence under section 57(5) of the Child Care Act 1980 (carrying on a voluntary home without registration).

10 An offence under section 16 of the Foster Children Act 1980 (offences relating to foster children).

11 An offence section 6 of the Child Abduction Act 1984 (offence in Scotland of taking or sending child out of the United Kingdom).

12 An offence under section 15 of the Foster Children (Scotland) Act 1984 (offences relating to foster children).

13 An offence under any of the following provisions of the Child Abduction (Northern Ireland) Order 1985— Article 3 (abduction of child by parent, etc.); Article 4 (abduction of child by other persons).

14 An offence under any of the following provisions of the Adoption (Northern Ireland) Order 1987—

Article 6 (appeal against decision not to register adoption society);

Article 7 (inspection of books etc of registered adoption society);

Article 10(2) (regulation of adoption agencies);

Article 11 (restriction on arranging adoptions and placing children);

Article 28 (restriction on removal where adoption agreed or application made);

Article 29 (restriction on removal where applicant provided home for 5 years);

Article 31 (return of children placed for adoption by agencies);

Article 37(1)(b) (failure to allow visit to protected child);

Article 37(1)(c) (failure to comply with order for removal of child);

Article 58 (restriction on removal for adoption outside NI);

Article 58ZA (restriction on bringing into UK for adoption);

Article 59 (prohibition on certain payments).

15 An offence under any of the following provisions of the Children Act 1989—

section 44(15) (order for emergency protection of children: obstructing lawful removal);

section 49 (abduction of children in care etc.);

section 50(9) (recovery of abducted child: obstructing removal of child);

section 63(10) (offences relating to voluntary homes and children's homes);

section 70 (offences relating to private fostering);

section 78 (offences relating to child minding and daycare);

paragraph 1(5) of Schedule 5 (offences relating to voluntary homes and children's homes);

paragraph 2(3) of Schedule 6 (offences relating to private children's homes).

16 An offence under any of the following provisions of the Children (Northern Ireland) Order 1995—

Article 29 (failure to inform authority of address of looked after child);

Article 63(15) (obstructing or prevention of removal of child);

Article 67 (intentional obstruction of power of entry and search associated with emergency protection order);

Article 68 (abduction of children in care);

Article 69(9) (obstructing exercise of power to remove child under recovery order);

Article 75 (contravening regulations concerning the accommodation of children);

Article 77 (obstructing power of entry relating to duties of an authority concerning voluntary organisations);

Article 78 (carrying on a voluntary home while disqualified or employing a disqualified person);

Article 79(3) (carrying on a voluntary home when not registered);

Article 81 (failure to comply with conditions relating to conduct of a voluntary home);

Article 89 (failure to comply with regulations relating to voluntary homes);

Article 93(8) (obstructing power of entry relating to duties of an authority concerning children's homes);

Article 94(4) (carrying on a children's home while disqualified or employing a disqualified person);

Article 95(3) (carrying on a children's home when not registered);

Article 97(4) (failure to comply with conditions relating to conduct of a children's home);

Article 105 (power to make regulations as to placing of children in private children homes);

Article 117 (offences relating to private fostering);

Article 132(2) (offences relating to child minding and day care for young children);

Article 147(1), (4), (8) or (9) (offences relating to employment of children);

Article 150 (obstructing another in the exercise of power to inspect);

Article 170 (privacy for children involved in certain proceedings);

Article 175 (children accommodated in certain homes and in private hospitals);

Article 176 (children accommodated in schools);

paragraph 4 of Schedule 1 (failure to give notice of the cessation of an order for periodical payments);

paragraph 7 of Schedule 1 (failure to give notice of the cessation of an order under this paragraph for periodical payments);

paragraph 14 of Schedule 1 (failure to give notice of change of address);

paragraph 8 of Schedule 4 (failure to comply with an education supervision order).

17 An offence under section 35(2) of the Criminal Justice and Court Services Act 2000 (offers work in a regulated position to or fails to remove such work from a person disqualified from working with children).

18 An offence under Article 1(3) of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 (regulations giving effect to convention on intercountry adoption).

#### *Customs and excise*

19 An offence under any of the following provisions of the Customs and Excise Management Act 1979—

section 50(2)(a) (improper importation of goods);

section 170(1)(a) (fraudulent evasion of prohibited or restricted goods).

#### *Drugs*

20 An offence under any of the following provisions of the Misuse of Drugs Act 1971—

section 4 (restriction of production and supply of controlled drugs);

section 5 (possession of controlled drugs; possession with intent to supply);

section 6(2) (restriction of cultivation of cannabis plant);

section 8 (occupiers etc. of premises punishable for permitting certain activities to take place there);

section 9 (prohibition of certain activities etc. relating to opium);

section 11 (contravening directions relating to safe custody of controlled drugs at certain premises);

section 12(6) (contravening directions prohibiting prescribing, supply etc. of controlled drugs by practitioners etc. convicted of certain offences);

section 13(3) (contravening directions prohibiting prescribing, supply etc. of controlled drugs by practitioners in other cases);

section 18 (breach of regulations made under Act or licence issued under Act and other miscellaneous offences);

section 19 (attempts to commit or inciting another to commit offences under Act etc.);

section 20 (assisting in or inducing commission outside United Kingdom of offence punishable under a corresponding law);

section 23 (powers to search and obtain evidence: obstruction; concealing; failure to produce).

21 An offence under any of the following provisions of the Criminal Justice (International Co-operation) Act 1990—

section 12 (manufacture and supply of scheduled substances);

section 18 (drug trafficking on British ship);

section 19 (possessing drugs on ship).

22 An offence under section 5(1) of the Psychoactive Substances Act 2016 (supply a psychoactive substance).

*Energy (including nuclear)*

23 An offence under section 2 of the Nuclear Installations Act 1965 (using plutonium or uranium).

24 An offence under any of the following provisions of the Nuclear Material (Offences) Act 1983—

section 1B (offences relating to damage to environment);

section 1C (offences of importing or exporting etc. nuclear material: extended jurisdiction);

section 2 (offences involving preparatory acts or threats).

*Fraud or dishonesty*

25 An offence under Article 19 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 (deception, false statement to get compensation).

26 An offence under Article 17 of the Criminal Injuries Compensation (Northern Ireland) Order 2002 (deception, false statement to get compensation).

*Health and social care*

27 An offence under any of the following provisions of the Social Work (Scotland) Act 1968—

section 6(5) (obstruction of exercise of power of entry or inspection);

section 17(8) (harbouring);

section 60(3) (control of residential and other establishments);

section 61 (restriction on carrying on of establishments);

section 62 (offences relating to the registration of residential and other establishments);

section 68(3) (obstruction of exercise of power to visit persons in establishments etc.);

section 71 (harbouring).

28 An offence under Article 50 of the Health and Personal Social Services (Northern Ireland) Order 1972 (obstructing exercise of power of inspection).

29 An offence under any of the following provisions of the Registered Homes (Northern Ireland) Order 1992—

Article 4 (residential care home: requirement to register);

Article 5 (purporting to be a residential care home without being registered);

Article 6 (residential care home: failure to display certificate of registration);

Article 7 (residential care home: failure to comply with a condition of registration);

Article 17(1) (nursing home: requirement to register);

Article 18 (purporting to be a nursing home without being registered);

Article 19 (nursing home: failure to display certificate of registration);

Article 20 (nursing home: failure to comply with a condition of registration);

Article 28 (regulations as to conduct of residential care homes and nursing homes);

Article 29 (obstruction of power of inspection for residential care home or nursing home).

30 An offence under any of the following provisions of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003—

Article 12 (carrying on or managing an establishment or agency without being registered);

Article 24 (failure to comply with a condition in force for an establishment or agency);

Article 25 (contravening regulations);

Article 26 (false descriptions of establishments and agencies);

Article 27 (false statement in an application for registration);

Article 28 (failure to display certificate of registration);

Article 42 (obstruction of exercise of power relating to information, entries and inspections).

31 An offence falling within Article 15(2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (relevant offences for purposes of cancelling registration).

32 An offence under any of the following provisions of the Criminal Justice and Courts Act 2015—

section 20 (ill-treatment or wilful neglect – care worker offence);

section 21 (ill treatment or wilful neglect – care provider offence).

*Inchoate*

33 An offence under any of the following provisions of the Criminal Justice Act (Northern Ireland) 1966—

section 13 (complicity in another's suicide);

section 13A (acts capable of encouraging or assisting another's suicide).

34 An offence under section 5(1) of the Criminal Law Act (Northern Ireland) 1967 (concealing offences).

35 An offence under any of the following provisions of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983—

Article 3 (attempts to commit an offence);

Article 9 (conspiracy to commit an offence);

Article 9A (conspiracy to commit an offence outside of Northern Ireland).

36 An offence under any of the following provisions of the Serious Crime Act 2007—

section 44 (intentionally encourage or assist the commission of an offence);

section 45 (encourage or assist the commission of an offence believing it will be committed);

section 46 (encourage or assist the commission of offences believing one or more of the offences will be committed).

#### *International*

37 An offence under any of the following provisions of the International Criminal Court Act 2001—

section 58 (Northern Ireland: genocide);

section 59 (Northern Ireland: conduct ancillary to genocide).

#### *Medical*

38 An offence under any of the following provisions of the Medicines Act 1968—

section 7(2)(a) (unlawfully supplying medical product);

section 67 (offences under Part 3 – dealing with medicinal products without authorisation).

39 An offence under any of the following provisions of the Human Organ Transplants (Northern Ireland) Order 1989—

Article 3 (prohibition of commercial dealings in human organs);

Article 4 (restriction on transplants between persons not genetically related).

40 An offence under any of the following provisions of the Human Tissue Act 2004—

section 32 (prohibition of commercial dealings in human material for transplantation);

section 33 (restriction on transplants involving a live donor).

41 An offence under any of the following provisions of the Human Medicines Regulations 2012—

regulation 47 (breach of requirement for authorization);

regulation 255 where the person has breached regulation 214(2) (prohibition on parenteral administration of prescription only medicine otherwise than by or under directions of appropriate practitioner).

#### *Mental health*

42 An offence under section 128 of the Mental Health Act 1959 (sexual intercourse with patients), where the offence is committed against a person aged under 18.

43 An offence under any of the following provisions of the Mental Health Act (Northern Ireland) 1961—

section 98 (forgery, false statements, etc);

section 101 (protection of female patients);

section 102 (assisting patients to absent themselves without leave, etc);

section 103 (obstruction).

44 An offence under any of the following provisions of the Mental Health Act 1983—

section 126 (forgery, false statements, etc);

section 127 (ill-treatment of patients);

section 128 (assisting patients to absent themselves without leave, etc.).

45 An offence under any of the following provisions of the Mental Health (Scotland) Act 1984—

section 105 (ill-treatment of patients);

section 106 (protection of female patients);

section 107 (protection of patients).

46 An offence under any of the following provisions of the Mental Health (Northern Ireland) Order 1986—

Article 93(1) (requirements in relation to control of private hospitals);

Article 94(2) (requirement to deliver certificate following cancellation of registration of private hospital);

Article 96(1) (carrying on private hospital without registration);

Article 105(9) (disclosing a report or information made by a Visitor);

Article 119 (forgery, false statements, etc.);

Article 120 (unlawful detention of patients);

Article 121 (ill-treatment of patients);

Article 122 (protection of female patients);

Article 123 (protection of patients);

Article 124 (assisting patients to absent themselves without leave, etc.);

Article 125 (obstruction).

47 An offence under section 83 of the Adults with Incapacity (Scotland) Act 2000 (ill-treatment and wilful neglect).

48 An offence under any of the following provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003—

section 311 (non-consensual sexual acts);

section 313 (persons providing care services: sexual offences).

49 An offence under section 44 of the Mental Capacity Act 2005 (ill-treatment or neglect).

50 An offence under any of the following provisions of the Mental Capacity Act (Northern Ireland) 2016—

section 267 where subsection (2)(a) applies (ill-treatment or neglect where a person (X) has the care of another person who lacks capacity or who X believes lacks capacity);

section 268 where the offence concerns a relevant document within the meaning of subsection (3)(a)(c) or (d) of that section (forgery, false statements etc. in respect of certain documents);

section 269 (unlawful detention of persons lacking capacity etc);

section 270 (assisting persons to absent themselves without permission);

section 272 but only insofar as it applies in respect of the following provisions: section 26, 47, 48 or 39, or any provision of Schedule 1, 2 or 3 (obstruction in relation to certain authorised activities);

section 273 (offences by bodies corporate).

#### *Offences against persons*

51 An offence under any of the following provisions of the Offences against the Person Act 1861—

section 4 (conspiring or soliciting to commit murder);

section 16 (threats to kill);

section 18 (wounding with intent to do grievous bodily harm);

section 20 (wounding);

- section 21 (attempt to choke etc. to commit indictable offence);
- section 22 (using chloroform etc. to commit indictable offence);
- section 23 (administering a noxious thing etc. so as to endanger life or inflict grievous bodily harm);
- section 24 (administering a noxious thing with intent to injure aggrieve or annoy);
- section 27 (exposing children whereby life is endangered);
- section 28 (causing bodily injury by gunpowder);
- section 29 (applying destructive or explosive substance with intent to do grievous bodily harm);
- section 30 (placing gunpowder near building with intent to do bodily injury);
- section 31 (setting traps with intent to cause grievous bodily harm);
- section 32 (interfering with railway with intent to endanger passengers);
- section 33 (interfering with railway carriage with intent to endanger safety);
- section 34 (endangering railway passengers by unlawful act);
- section 35 (causing bodily harm by wilful neglect and furious driving);
- section 37 (assaulting officer preserving wreck);
- section 42 (common assault) where the offence is committed against a person who is under the age of 18;
- section 43 (aggravated assault on females and boys under 14);
- section 47 (assault occasioning actual bodily harm);
- section 52 (indecent assault upon a female);
- section 53 (abducting of woman etc.);
- section 54 (forcible abduction of woman of any age with intent to marry her or to know her carnally);
- section 58 (attempt to procure miscarriage or child destruction);

section 59 (supplying or procuring poison or instrument for miscarriage);

section 64 (making, having gunpowder, explosive substance or noxious thing with intent to commit offence).

52 An offence under section 1 of the Infanticide Act (Northern Ireland) 1939 (woman causing the death of her child under the age of 12 months in certain circumstances).

53 An offence under section 25 of the Criminal Justice Act (Northern Ireland) 1945 (child destruction).

54 An offence under section 26 of the Criminal Justice Act (Northern Ireland) 1945 (procuring abortion of child in womb).

55 An offence under section 7(1)(b) of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (assault with intent to resist arrest).

56 An offence under section 1 of the Protection of Persons and Property Act (Northern Ireland) 1969 (intimidation).

57 An offence under section 8(1) of the Theft Act (Northern Ireland) 1969 (robbery, stealing with use of force or putting victim in fear of use of force or assault with intent to rob).

58 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (prohibition of female circumcision).

59 An offence under any of the following provisions of the Protection from Harassment Act 1997—

section 4 (putting people in fear of violence);

section 4A (stalking involving fear of violence of serious alarm or distress).

60 An offence under any of the following provisions of the Protection from Harassment (Northern Ireland) Order 1997—

Article 4 (course of conduct amounting to harassment);

Article 5(6) (breach of injunction against harassment); Article 6 (course of conduct putting a person in fear of violence);

Article 7(5) (breach of restraining order).

61 An offence under any of the following provisions of the Female Genital Mutilation Act 2003—

section 1 (offence of female genital mutilation);

section 2 (offence of assisting a girl to mutilate her own genitalia);

section 3 (offence of assisting a non-UK person to mutilate overseas a girl's genitalia).

62 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm).

63 An offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship).

64 An offence under section 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (domestic abuse).

#### *Property*

65 An offence under any of the following provisions of the Theft Act (Northern Ireland) 1969— section 9 (burglary: entry with theft, GBH, rape or unlawful damage);  
section 10 (aggravated burglary).

66 An offence under any of the following provisions of the Criminal Damage (Northern Ireland) Order 1977—

Article 3 (destroying or damaging property including when charged as arson);

Article 4 (threats to destroy or damage property);

Article 5 (possession with intent to destroy or damage property).

#### *Public order*

67 An offence under section 1 of the Unlawful Drilling Act 1819 (practising of military exercises etc.).

68 An offence under any of the following provisions of the Tumultuous Risings (Ireland) Act 1831—

section 2 (assembling in a number to compel a person by force or threats or menaces to leave property etc.);

section 3 (sending etc. inflammatory notices or letters or messages to excite a riot or tumultuous or unlawful assembly).

69 An offence under any of the following provisions of the Protection of Persons and Property Act (Northern Ireland) 1969— section 2 (possession petrol bomb in suspicious circumstances); section 3 (using or throwing petrol bomb).

70 An offence under section 7 of the Public Order Amendment Act (Northern Ireland) 1970 (prohibition of quasi-military organisations).

71 An offence under section 38 of the Public Order Act 1986 (contamination of or interference with goods with intention to alarm the public).

72 An offence under any of the following provisions of the Public Order (Northern Ireland) Order 1987—

Article 9 (use of threatening, abusive or insulting words or behaviour to stir up hatred or fear);

Article 10 (publishing or distributing written material to provoke hatred or fear);

Article 11 (distributing, showing or playing a recording to provoke hatred or fear);

Article 12 (broadcasting etc. to provoke hatred or fear);

Article 13 (possessing matter intended or likely to provoke hatred or fear);

Article 18(3) (riotous behaviour in a public place);

Article 22 (carrying offensive weapon in public place);

Article 23 (offences in relation to public buildings and activities therein).

73 An offence under section 66 of the Police (Northern Ireland) Act 1998 (assaulting, resisting, obstructing or impeding a constable).

*Proceeds of crime*

74 An offence under any of the following provisions of the Proceeds of Crime Act 2002—

section 327 (concealing, disguising, converting, transferring, removing criminal property);

section 328 (arrangement which facilitates acquisition, use of criminal property by another);

section 329 (acquiring, using, possessing criminal property);

section 330 (failure to disclose: regulated sector);

section 331 (failure to disclose: other nominated officers);

section 332 (failure to disclose identity of money-launderer);

section 333A (tipping off to prejudice money-laundering investigation);

section 342 (prejudicing civil recovery of money laundering investigation).

*Road traffic*

75 An offence under any of the following provisions of the Road Traffic (Northern Ireland) Order 1981—

Article 139(1) (causing death or grievous bodily harm by reckless driving);

Article 172B(1) (aggravated vehicle taking, dangerous driving leading to accident causing death or grievous bodily harm).

76 An offence under any of the following provisions of the Road Traffic (Northern Ireland) Order 1995—

Article 9 (causing death or grievous bodily injury by dangerous driving);

Article 11A (causing death or grievous bodily injury by careless or inconsiderate driving);

Article 12B (causing death or grievous bodily injury by unlicensed, disqualified or uninsured driver);

Article 14 (causing death or grievous bodily injury by careless driving when under the influence of drink or drugs).

### *Safeguarding*

77 An offence under any of the following provisions of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003—

Article 30 (persons disqualified from working with children);

Article 46 (persons unsuitable to work with vulnerable adults).

78 An offence under any of the following provisions of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007—

Article 11 (engaging in regulated activity from which barred);

Article 13 (use of barred person for regulated activity);

Article 23(1) (acting or appearing to act for regulated provider and permitting other to engage in unmonitored activity);

Article 23(2) (acting or appearing to act for personnel supplier and supplying another to barred person to engage in regulated activity);

Article 23(3) (acting or appearing to act for personnel supplier and supplying another unmonitored person to engage in regulated activity).

### *Sexual*

79 An offence of exposure with intent to insult a female under section 4 of the Vagrancy Act 1824.

80 An offence of wilful and indecent exposure under section 28 of the Town Police Clauses Act 1847.

81 An offence under any of the following provisions of the Criminal Law Amendment Act 1885—

section 2 (procuration);

section 3 (procuring defilement of a woman by threats or fraud or administering drugs);

- section 4 (unlawful carnal knowledge of girl under the age of thirteen);
- section 5 (defilement of girl between thirteen and sixteen years of age);
- section 6 (permitting defilement of young girl on premises);
- section 7 (abduction of girl under 18 with intent to have carnal knowledge);
- section 8 (unlawful detention with intent to have carnal knowledge);
- section 11 (outrages of decency);
- section 13 (summary proceedings against brothel keeper etc.).

82 An offence under section 1 of the Vagrancy Act 1898 (living on earnings of prostitution; soliciting or importuning in public place).

83 An offence under any of the following provisions of the Punishment of Incest Act 1908—

- section 1 (incest by male);
- section 2 (incest by female of or above age of 16).

84 An offence under section 63(15A) of the Petty Sessions and Summary Jurisdiction Act 1927 (wilful and indecent exposure with intent to insult any person).

85 An offence under any of the following provisions of the Sexual Offences Act 1956—

- section 2 (procurement of woman by threats);
- section 3 (procurement of woman by false pretences);
- section 4 (administering drugs to obtain or facilitate intercourse); section 5 (intercourse with girl under 13);
- section 6 (intercourse with girl between 13 and 16);
- section 7 (intercourse with defective);
- section 9 (procurement of defective);
- section 10 (incest by a man);
- section 11 (incest by a woman);

section 12 (buggery);

section 13 (indecenty between men);

section 14 (indecent assault on a woman);

section 17 (abduction of woman by force of for the sake of her property);

section 19 (abduction of unmarried girl under 18 from parent or guardian);

section 20 (abduction of unmarried girl under 16 from parent or guardian);

section 21 (abduction of defective from parent or guardian);

section 22 (causing prostitution of women);

section 23 (procuration of girl under 21);

section 24 (detention of woman in brothel or other premises);

section 25 (permitting girl under 13 to use premises for intercourse);

section 26 (permitting girl between 13 and 16 to use premises for intercourse);

section 27 (permitting defective to use premises for intercourse);

section 28 (causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under sixteen);

section 29 (causing or encouraging prostitution of defective);

section 30 (man living on earnings of prostitution);

section 31 (woman exercising control over prostitute).

86 An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards young child).

87 An offence under any of the following provisions of the Sexual Offences Act 1967—

section 4 (procuring others to commit homosexual acts);

section 5 (living on earnings of male prostitution).

88 An offence falling within Schedule 1 to the Criminal Procedure (Scotland) Act 1975 (offences against children under the age of 17 to which special procedures apply).

89 An offence under any of the following provisions of the Sexual Offences (Scotland) Act 1976—

section 1 (procuring);

section 2 (procuring by threats, etc.);

section 2A (incest);

section 2B (intercourse with stepchild);

section 2C (intercourse of person in position of trust with child under 16);

section 5 (indecent behaviour towards girl between 12 and 16);

section 7 (gross indecency between males);

section 8 (abduction of girl under 18 with intent to have sexual intercourse);

section 9 (unlawful detention with intent to have sexual intercourse);

section 11 (causing or encouraging seduction, prostitution, etc., of girl under 16);

section 12 (persons trading in prostitution).

90 An offence under section 54 of the Criminal Law Act 1977 (inciting a girl under 16 to have incestuous sexual intercourse).

91 An offence under Article 3 of the Sexual Offences (Northern Ireland) Order 1978 (rape).

92 An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children).

93 An offence under Article 3(1) of the Protection of Children (Northern Ireland) Order 1978 (indecent photographs of children).

94 An offence under section 80(7) of the Criminal Justice (Scotland) Act 1980 (offences relating to certain homosexual acts).

95 An offence under Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (inciting a girl under 16 to commit incest).

96 An offence under any of the following provisions of the Homosexual Offences (Northern Ireland) Order 1982—

Article 7 (procuring others to commit a homosexual act);

Article 8 (living on earnings of male prostitution).

97 An offence under Article 15 of the Criminal Justice (Evidence, etc.) (Northern Ireland) Order 1988 (possession of indecent photograph of child).

98 An offence under any of the following provisions of the Criminal Law (Consolidation) Scotland Act 1995—

section 3 (intercourse of a person in a position of trust with a child under 16);

section 5 (intercourse with a girl under 16);

section 6 (indecent behaviour towards girl aged between 12 and 16);

section 7 (procuring);

section 8 (abduction and unlawful detention);

section 9 (permitting girl to use premises for intercourse);

section 10 (seduction, prostitution etc. of girl under 16);

section 11 (trading in prostitution and brothel keeping);

section 13 (certain homosexual acts).

99 An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of position of trust).

100 An offence under any of the following provisions of the Criminal Justice (Northern Ireland) Order 2003—

Article 19 (buggery);

Article 20 (assault with intent to commit buggery);

Article 21 (indecent assault on a male).

101 An offence under any of the following provisions of the Sexual Offences Act 2003— section 14 (arranging or facilitating commission of a child sex offence);

section 15A (sexual communication with a child);

section 20 (abuse of a position of trust: acts done in Scotland);

section 57 (trafficking into the UK for sexual exploitation);

section 58 (trafficking within the UK for sexual exploitation);

section 58A (trafficking outside the UK for sexual exploitation);

section 59 (trafficking out of the UK for sexual exploitation);

section 59A (trafficking people for sexual exploitation);

section 61 (administering a substance with intent);

section 62 (committing an offence with intent to commit a sexual offence);

section 72 (offences outside the UK);

section 91 (offences relating to notification);

section 113 (breach of sexual offences prevention order);

section 122 (breach of foreign travel order);

section 128 (breach of risk of sexual harm order).

102 An offence under any of the following provisions of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005—

section 1 (meeting a child following certain preliminary contact);

section 10 (causing or inciting provision by child of sexual services or child pornography);

section 11 (controlling a child providing sexual services or child pornography);

section 12 (arranging or facilitating provision by child of sexual services or child pornography).

103 An offence under section 63(1) of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images).

104 An offence under any of the following provisions of the Sexual Offences (Northern Ireland) Order 2008—

Article 5 (rape);

Article 6 (assault by penetration);

Article 7 (sexual assault);

Article 8(1) (causing a person to engage in sexual activity without consent);

Article 12(1) (rape of a child under 13);

Article 13 (assault of a child under 13 by penetration);

Article 14(1) (sexual assault of a child under 13);

Article 15(1) (causing or inciting a child under 13 to engage in sexual activity);

Article 16 (sexual activity with a child);

Article 17 (causing or inciting a child to engage in sexual activity);

Article 18 (engaging in sexual activity in the presence of a child);

Article 19 (causing a child to watch a sexual act);

Article 20 (sexual offences against children committed by children or young persons);

Article 21 (arrange or facilitate the commission of a child sex offence);

Article 22 (meeting a child following sexual grooming etc.);

Article 22A (sexual communication with a child);

Article 22B (communicating with a person with a view to grooming a particular child);

Article 22C (communicating with a group with a view to grooming a particular child);

Article 22D (communicating with a person with a view to grooming any child);

Article 22E (communicating with a group with a view to grooming any child);

Article 23 (abuse of position of trust: sexual activity with a child);

Article 24 (abuse of position of trust: causing or inciting a child to engage in sexual activity);

Article 25 (abuse of position of trust: sexual activity in the presence of a child);

Article 26 (cause child under 13 to watch sexual act: offender 18 or over, abuse of position of trust);

Article 27 (abuse of position of trust: offences done in England and Wales or Scotland); Article 32 (sexual activity with a child family member);

Article 33 (inciting a child family member to engage in sexual activity);

Article 37 (paying for sexual services of a child);

Article 38 (causing or inciting abuse: payment for sexual services and involvement in indecent images);

Article 39 (controlling a child: payment for sexual services and involvement in indecent images);

Article 40 (arranging or facilitating abuse: payment for sexual services and involvement in indecent images);

Article 43 (sexual activity with a person with a mental disorder impeding choice);

Article 44 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity);

Article 45 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice);

Article 46 (causing a person, with a mental disorder impeding choice, to watch a sexual act);

Article 47 (inducement, threat or deception to procure sexual activity with a person with a mental disorder);

Article 48 (causing a person with a mental disorder to engage in or agree to sexual activity by inducement, threat or deception);

Article 49 (engaging in sexual activity in presence of person with mental disorder, procured by inducement, threat, deception);

Article 50 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception);

Article 51 (care workers: sexual activity with a person with a mental disorder);

Article 52 (care workers: causing or inciting sexual activity);

Article 53(1) (care workers: sexual activity in presence of person with mental disorder);

Article 54 (care workers: causing a person with a mental disorder to watch a sexual act);

Article 59 (loitering or soliciting for purposes of prostitution);

Article 60 (kerb-crawling);

Article 61 (persistent soliciting);

Article 62(1) (cause or incite prostitution for gain);

Article 63(1) (control prostitution for gain);

Article 64 (keeping a brothel used for prostitution);

Article 64A (paying for sexual services of a prostitute subjected to force);

Article 65(1) (administer substance with intent to stupefy or overpower person to allow sexual activity involving that person);

Article 66(1) (committing an offence with intent to commit a sexual offence);

Article 67(1) (trespass with intent to commit a sexual offence);

Article 68(1) (sex with an adult relative: penetration);

Article 69(1) (sex with an adult relative: consent to penetration);

Article 70(1) (exposure);

Article 71 (voyeurism);

Article 71A (voyeurism: additional offences relating to genitals and buttocks);

Article 71B (voyeurism: additional offences relating to breasts);

Article 72A (sending etc. an unwanted sexual image);

Article 73 (intercourse with an animal);

Article 74(1) (sexual penetration of a corpse).

105 An offence under any of the following provisions of the Sexual Offences (Scotland) Act 2009—

section 4 (sexual coercion);

section 5 (coercing a person into being present during a sexual activity);

section 6 (coercing a person into looking at a sexual image);

section 11 (administering a substance for sexual abuse);

section 22 (causing a young child to be present during a sexual activity);

section 23 (causing a young child to look at a sexual image);

section 24 (communicating indecently with a young child etc);

section 25 (sexual exposure to a young child);

section 26 (voyeurism towards a young child);

section 28 (having intercourse with an older child);

section 29 (engaging in penetrative sexual activity with or towards an older child);

section 30 (engaging in sexual activity with or towards an older child);

section 31 (causing an older child to engage in sexual activity);

section 32 (causing an older child to be present during a sexual activity);

section 33 (causing an older child to look at a sexual image);

section 34 (communicating indecently with an older child etc.);

section 35 (sexual exposure to an older child);

section 36 (voyeurism towards and older child);

section 42 (sexual abuse of trust);

section 46 (sexual abuse of trust of a mentally disordered person).

106 An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children).

107 An offence under section 69 of the Serious Crime Act 2015 (possession of a paedophile manual).

108 An offence under section 71 of the Justice Act (Northern Ireland) 2015 (offences relating to violent offences prevention orders).

109 An offence under section 51 of the Justice Act (Northern Ireland) 2016 (disclosing private sexual photographs and films with intent to cause distress).

110 An offence under section 28 of the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (non-fatal strangulation or asphyxiation).

### *Slavery and trafficking*

111 An offence under any of the following provisions of the Slave Trade Act 1824—

section 10 (persons dealing in slaves etc.);

section 11 (seafarers etc. serving on ships used for the trading in slaves).

112 An offence under section 22 of the Criminal Justice (Scotland) Act 2003 (traffic in prostitution etc.).

113 An offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation).

114 An offence under any of the following provisions of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015—

section 1(1) (slavery, servitude and forced or compulsory labour);

section 2(1) (arrange or facilitate travel of another person with a view to exploitation);

section 16(1) (offence of forced marriage).

115 An offence under any of the following provisions of the Modern Slavery Act 2015—

section 1 (slavery, servitude and forced or compulsory labour);

section 2 (human trafficking);

section 4 (committing an offence with an intention of committing an offence under section 2);

section 30(1) (offence relating to slavery and trafficking prevention orders).

### *Terrorism*

116 An offence under Article 3 of the Criminal Law (Amendment) (Northern Ireland) Order 1977 (bomb hoaxes).

117 An offence under section 1 of the Taking of Hostages Act 1982 (hostage taking or threats to kill or injure).

118 An offence under any of the following provisions of the Prevention of Terrorism (Temporary Provisions) Act 1989—

section 9 (contributions towards acts of terrorism);

paragraph 11 of Schedule 5 (breach of port or border controls in the commission of acts of terrorism).

119 An offence under any of the following provisions of the Terrorism Act 2000—

section 11 (belongs or professes to belong to a proscribed organisation);

section 12 (inviting, arranging, encouraging non-financial support for proscribed organisation);

section 15 (inviting, receiving, providing money or property for terrorism);

section 16 (using or possessing money or property for terrorism);

section 17 (arranging money or other property to be made available for terrorism);

section 18 (money laundering);

section 38B (failing to disclose information about act of terrorism);

section 39 (disclosing or interfering with terrorist investigation material);

section 54 (terrorism or weapons training);

section 56 (directing terrorist organisation);

section 57 (possess article for the purpose of terrorism);

section 58 (collecting, recording, possessing record of information likely to be useful to a terrorist);

section 59 (inciting terrorism overseas);

section 60 (inciting terrorism overseas); paragraph 37 of Schedule 4 (breach of high court restraint order).

120 An offence under any of the following provisions of the Anti-Terrorism Crime and Security Act 2001—

section 47 (use etc. of nuclear weapons);

section 50 (assisting or inducing certain weapons-related acts overseas);

section 52 (obstructing powers of entry);

section 54 (providing false information);

section 67 (offences relating to dangerous pathogens and toxins);

section 79 (prohibition of disclosures relating to nuclear security);

section 80 (prohibition of disclosures of uranium enrichment technology);

section 113 (use of noxious substance or things likely to cause harm or intimidate);

section 114 (hoaxes involving noxious substances or things).

121 An offence under any of the following provisions of the Terrorism Act 2006—

section 1 (publishing statement encouraging terrorism);

section 2 (disseminating terrorist publications);

section 5 (engage in conduct in preparation for terrorist acts);

section 6 (provide or receive training or instruction for terrorism);

section 9 (terrorism or making or possession of radioactive device or material);

sections 10 (misuse of devices or material and misuse and damage of facilities);

section 11 (terrorist threats relating to devices or materials or facilities).

122 An offence under any of the following provisions of the Justice and Security (Northern Ireland) Act 2007—

section 27 (obstructing examination of document for terrorism related information);

paragraph 8 of Schedule 3 (failing to remain, obstructing search for munitions);

paragraph 4 of Schedule 12 (obtaining compensation by deception).

#### *Vehicles and transport*

123 An offence under section 35 of the Malicious Damage Act 1861 (interfering with railway line with intention to damage or obstruct train).

124 An offence under section 27 of the Merchant Shipping Act 1970 (conduct endangering ship or persons on board ship).

125 An offence under section 1 of the Hijacking Act 1971 (hijacking of aircraft).

126 An offence under any of the following provisions of the Protection of Aircraft Act 1973—

section 1 (destroying, damaging or endangering safety of aircraft);

section 2 (other acts endangering safety of aircraft);

section 3 (inducing or assisting the commission of acts in sections 1 and 2 outside the United Kingdom);

section 16 (offences relating to certain dangerous articles).

127 An offence under section 2(1) of the Criminal Jurisdiction Act 1975 (hijacking of vehicles or ship).

128 An offence under any of the following provisions of the Aviation Security Act 1982—

section 1 (hijacking of aircraft);

section 2 (destroying, damaging or endangering safety of aircraft);

section 3 (other acts endangering or likely to endanger safety of aircraft);

section 4 (offences in relation to certain dangerous articles).

129 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—

section 1 (endangering safety at aerodromes);

section 9(1) (hijacking of ships);

section 10 (seizing or exercising control of fixed platforms);

section 11(1)(a) or (b) (destroying ships or fixed platforms or endangering their safety);

section 12 (other acts endangering or likely to endanger safe navigation);

section 13 (offences against ships or fixed platforms involving threats).

130 An offence under any of the following provisions of the Channel Tunnel (Security) Order 1994—

Article 4 (hijacking of Channel Tunnel trains);

Article 5 (seizing or exercising control of the tunnel system);

Article 6 (destroying a Channel Tunnel train or tunnel system or endangering their safety);

Article 7 (other acts endangering safe operation of Channel Tunnel train or safety of the tunnel system);

Article 8 (offences involving threats).

131 An offence under section 58 of the Merchant Shipping Act 1995 (conduct endangering ship or persons on board ship).

132 An offence under section 47 of the Wireless Telegraphy Act 2006 (misleading messages).

133 An offence under any of the following provisions of the Air Navigation Order 2016—

Article 240 (endangering the safety of an aircraft);

Article 241 (endangering the safety of any person or property).

*Weapons, explosives and other dangerous substances*

134 An offence under any of the following provisions of the Explosive Substances Act 1883—

section 2 (causing explosion likely to endanger life or property);

section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property);

section 4 (making or possession of explosive under suspicious circumstances);

section 5 (punishment of accessories).

135 An offence under section 1 of the Biological Weapons Act 1974 (producing biological weapons, transferring biological agents or toxins).

136 An offence under Article 5 of the Poisons (Northern Ireland) Order 1976 (offences in relation to control of non-medicinal poisons).

137 An offence under any of the following provisions of the Crossbows (Northern Ireland) Order 1988—

Article 3 (selling or hiring a crossbow to juveniles);

Articles 4 to 5 (juvenile buying, hiring or possessing a crossbow).

138 An offence under any of the following provisions of the Criminal Justice Act 1988—

section 134 (torture by a public official or person acting in official capacity);

section 139 (possession of bladed or pointed item in public);

section 139A (possession of bladed or pointed item or offensive weapon on education premises);

section 141 (making or supplying a prohibited weapon).

139 An offence under any of the following provisions of the Chemical Weapons Act 1996—

section 2 (use etc. of chemical weapons);

section 11 (premises or equipment for producing chemical weapons).

140 An offence under any of the following provisions of the Criminal Justice (Northern Ireland) Order 1996—

Article 53 (manufacture or sale, etc., of certain knives);

Article 54 (sale of knives and certain articles with blade or point to persons under 16).

141 An offence under any of the following provisions of the Knives Act 1997—

section 1 (unlawful marketing of knives);

section 2 (unlawful publications about knives).

142 An offence under section 2 of the Landmines Act 1998 (using and dealing in anti-personnel mines).

143 An offence under any of the following provisions of the Firearms (Northern Ireland) Order 2004—

Article 3 (firearm certificate required);

Article 24 (firearm's dealer certificate required);

Article 37 (business and other transactions with firearms and ammunition);

Article 39 (transfers of firearms and ammunition to be in person);

Article 40 (notification of dealings involving firearms);

Article 41 (notification of loss, repair or deactivation of firearms, etc.);

Article 42 (notification of disposal or destruction, etc. taking place outside Northern Ireland);

Article 45(1) or (2) (weapons subject to general prohibition);

Article 58 (possession with intent); Article 59 (use of firearm to resist arrest);

Article 60 (carrying firearm with criminal intent);

Article 61 (carrying or discharging firearm in a public place);

Article 62 (trespassing with firearm);

Article 63 (prohibition of possession, etc. of firearm by certain persons);

Article 64 (possession of firearm or ammunition in suspicious circumstances);

Article 67 (conversion of weapons).

144 An offence under paragraph 1 of Schedule 2 to the Violent Crime Reduction Act 2006 (using another person to mind or transport a dangerous weapon).

145 An offence under section 2 of the Cluster Munitions (Prohibitions) Act 2010 (using, possessing etc. prohibited munitions).

146 An offence under section 93 of the Justice Act (Northern Ireland) 2011 (possession of offensive weapon with intent to commit an offence).

147 An offence under section 6 of the Offensive Weapons Act 2019 (having a corrosive substance in a public place).

### PART 3

#### OTHER OFFENCES

##### *Offences with certain aggravating factors*

148 An offence stated by a court to be aggravated under Article 2 of the Criminal Justice (No. 2) (Northern Ireland) Order 2004 (hostility).

*Superseded offences*

149 An offence that has been superseded (directly or indirectly) by an offence listed in Part 1 or 2 of this Schedule.

*Inchoate offences*

150—(1) An offence of attempting or conspiring to commit an offence listed in the preceding paragraphs of this Schedule.

(2) An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to an offence listed in the preceding paragraphs of this Schedule.

(3) An offence of aiding, abetting, counselling or procuring the commission of an offence listed in the preceding paragraphs of this Schedule.

*Corresponding offences elsewhere in the United Kingdom or abroad*

151 An offence under the law of England and Wales, or Scotland, or any country or territory outside the United Kingdom, which corresponds to any offence listed in the preceding paragraphs of this Schedule.

*Armed forces*

152—(1) An offence under a provision listed in sub-paragraph (2) where—

(a) the act constituting the offence—

(i) was punishable under the law of Northern Ireland, or

(ii) if done in Northern Ireland, would have been so punishable;

and

(b) the corresponding offence under the law of Northern Ireland is listed in paragraphs 1 to 152 of this Schedule.

(2) The provisions referred to in sub-paragraph (1) are—

section 70 of the Army Act 1955;

section 70 of the Air Force Act 1955;  
section 42 of the Naval Discipline Act 1957;  
section 42 of the Armed Forces Act 2006.”’

The Chairperson reminded Members that the Committee sought and received agreement from the Department to change the Assembly control for amendments to the list of non-filterable offences to the draft affirmative procedure. The Department advised that the necessary changes will be made in the final draft of the amendment prior to tabling for Consideration Stage.

**Agreed:** The Committee is content with Justice Minister’s proposed amendment to add to add two new Clauses and a new Schedule to the Bill relating to the criminal record certificates, subject to the necessary amendment to change the Assembly Control for amendment to the list of non-filterable offences to the draft affirmative procedure.

**Agreed:** That the Committee recommends to the Assembly that the new clauses and schedule are added to the Bill, subject to that amendment also being made to the relevant part of the Bill.

### **Clause 30 – Security at buildings used for courts and tribunal etc**

The Committee considered Clause 30 as drafted.

**Agreed:** That the Committee is content with Clause 30 as drafted.

### **Clause 31 – Further provisions**

The Chairperson reminded Members that Minister of Justice has committed to bring forward two amendments to Clause 31 to change the Assembly control for the rule making power at 63E(11) in Clause 1 to draft affirmative, and to provide that the regulations made under the powers at Clause 3(10) will be subject to the draft affirmative procedure. However, the text of the proposed amendments has not been provided to the Committee by the Department.

The Committee considered Clause 31 as drafted.

**Agreed:** The Committee agreed that it is content with Clause 31, subject to the amendments to the Assembly control for the rule-making power at Article 63E(11) and Clause 3(10) being tabled by Minister of Justice at Consideration Stage.

### **Clause 32 – Interpretation**

The Committee considered Clause 32 as drafted.

**Agreed:** That the Committee is content with Clause 32 as drafted.

### **Clause 33 – Commencement**

The Committee considered its proposed amendment to require that Part 1 (Biometrics) is commenced within 5 years of Royal Assent.

Clause 33, Page 43, Line 22

At end insert-

‘(2A) The Department must by order appoint a day for the coming into operation of Part 1 that falls within the period of 5 years beginning with the day on which this Act receives Royal Assent.’

**Agreed:** The Committee agreed that it is content with its amendment to commence Part 1 within 5 years of Royal Assent.

The Committee also considered an amendment proposed by the Minister of Justice on Biometrics which amends Clause 33.

Clause 33, Page 43, Line 17

At end insert—

‘(c) the following paragraphs of Schedule 2 (and section 2 so far as it relates to those paragraphs)—

(i) paragraph 4(3) so far as it inserts Article 53(3C) of the Police and Criminal Evidence (Northern Ireland) Order 1989;

(ii) paragraphs 7(a), 7A, 8(a) and 8A.’

The Committee also considered an amendment proposed by the Minister of Justice on the Rehabilitation of Offenders which amends Clause 33.

Clause 33, Page 43, Line 22

At end insert—

‘(c) sections 28A and 28B (which relate to rehabilitation periods for convictions).’

**Agreed:** That the Committee is content with the Justice Minister’s amendments to Clause 33 as included in the proposed Biometrics amendment and the proposed Rehabilitation of Offenders amendment.

**Agreed:** That the Committee is content with Clause 33 as amended by the Committee and by the Minister of Justice.

#### **Clause 34 – Short Title**

The Committee considered the Short title as drafted.

**Agreed:** That the Committee is content with the Short title.

#### **Schedules 1 – 4**

The Committee considered the amendment to Biometrics and the Rehabilitation of Offenders amendment, both proposed by the Minister of Justice, which amends Schedules 1 and 2 and Schedule 4 respectively.

Schedule 1, Page 45, Line 7

Leave out '63G(4)(c)' and insert '63G(4A)'.

Schedule 2, Page 46, Line 21

Leave out 'a person being informed that the person will be reported' and insert 'a complaint being laid against the person'

Schedule 2, Page 46, Line 22

At end insert—

'(3C) In this Part, references to a complaint being laid against a person for an offence are references to a complaint being made, as mentioned in Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981, that the person has (or is suspected of having) committed the offence, without the person having been charged with that offence.''

Schedule 2, Page 47, Line 9

After '(fingerprinting)' insert—

- '(a) in paragraph (4)(a), for "or informed that he will be reported" substitute "or a complaint has been laid against him";
- (b) in paragraph (5B) (as inserted by section 8(2) of the Crime and Security Act 2010), for "or informed that he will be reported" substitute "or a complaint has been laid against him";
- (c)'

Schedule 2, Page 47, Line 10

At end insert—

'7A. In Article 61A (impressions of footwear), in paragraph (3)(a), for "or informed that he will be reported" substitute "or a complaint has been laid against him".'

Schedule 2, Page 47, Line 12

Leave out paragraph (a) and insert—

- '(a) in paragraph (3A) (as substituted by Article 11(2) of the Police (Amendment) (Northern Ireland) Order 1995), in sub-paragraph (a), for "or informed that he will be reported" substitute "or a complaint has been laid against him";
- (aa) in paragraph (3A) (as substituted by section 8(6) of the Crime and Security Act 2010)—
  - (ii) for "or informed that he will be reported" substitute "or a complaint has been laid against him";
  - (iii) in sub-paragraph (c), for "64ZA" substitute "63W";'

Schedule 2, Page 47, Line 17

At end insert—

'8A. In Article 63A (fingerprints and samples: supplementary provisions)—

- (a) in paragraph (1), for “or has been informed that he will be reported” substitute “or a complaint has been laid against him”;
- (b) in paragraph (4)(a), for “or informed that he will be reported” substitute “or a complaint has been laid against him”;
- (c) in paragraph (5)(a), after “date of the charge” insert “or the date on which the complaint is laid,”;
- (d) in paragraph (8)(a), for “as to which he was informed that he would be reported” substitute “in relation to which the complaint was laid”.

Schedule 2, Page 48, Line 4

At end insert—

'11A. —(1) Schedule 2A (inserted by section 12(2) of the Crime and Security Act 2010) is amended as follows.

(2) In paragraph 2 (fingerprinting: persons charged etc)—

- (a) in sub-paragraph (2)(a), for “or informed that he would be reported” substitute “or the complaint was laid”;
- (b) in sub-paragraph (3), for “or informed that he would be reported” substitute “or in relation to which the complaint was laid”.

(3) In paragraph 10 (non-intimate samples: persons charged etc)—

- (a) in sub-paragraph (2), for “or informed that he would be reported” substitute “or the complaint was laid”;
- (b) in sub-paragraph (4), for “or informed that he would be reported” substitute “or in relation to which the complaint was laid”.

Schedule 4, Page 53, Line 6

Leave out paragraph 8.

**Agreed:** That the Committee is content with Schedules 1 – 4 as amended by the Minister of Justice.

### **Long Title**

The Committee considered an amendment proposed by the Minister of Justice on Organised Crime which required the Long Title to be amended.

### **Long title**

After ‘detention;’ insert ‘to make provision about involvement in organised crime groups;’

**Agreed:** That the Committee is content with the Justice Minister’s proposed amendment to the long title to include ‘to make provision about involvement in organised crime groups’.

**Agreed:** That the Committee is content with the Long Title of the Bill as amended.

The Chairperson advised the Committee that the formal clause by clause scrutiny of the Justice Bill has now concluded. He thanked both current and former Members of the Committee for their contribution to the scrutiny of the Bill and expressed gratitude to the Bill Clerk, Liz Marsh, for her support of the Committee throughout the process.

The Chair also advised Members that the draft report on the Committee Stage of the Justice Bill is being prepared by the Committee staff and will be circulated for consideration for agreement at the meeting on 26 March 2026.

## **6. An Inspection of Child Criminal Exploitation in Northern Ireland – Criminal Justice Inspection Northern Ireland oral evidence**

The following witnesses from CJINI joined the meeting at 2.57pm:

Jacqui Durkin, Chief Inspector; and  
Maureen Erne, Lead Inspector of Child Criminal Exploitation in Northern Ireland report.

The witnesses provided oral evidence on a recent CJINI Inspection of Child Criminal Exploitation in Northern Ireland.

The oral evidence was followed by a question-and-answer session.

The evidence session was recorded by Hansard.

The Chairperson thanked the witnesses and they left the meeting at 3.52pm.

*Maurice Bradley left the meeting at 3.52pm.*

## **7. SL1 The Police and Criminal Evidence (Northern Ireland) Order (Codes of Practice) Order 2025 - Department of Justice oral evidence**

The Committee considered the Department of Justice's proposal to make a Statutory Rule under powers conferred by the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE NI) to implement revisions to Codes of Practice A to H and introduce new Code of Practice I. The Rule will be subject to the negative resolution procedure.

In relation to the interim Annex L of PACE Code C (which will be replicated at Annex J to Code H and at Annex H to Code I), the Committee considered a revised draft note proposed to be published alongside the Codes. The note highlights that the Chief Constable is responsible for providing corresponding operational guidance and instructions for officers and staff in conducting, or being present at, searches of detainees, and that the PSNI has adopted the National Police Chiefs' Council (NPCC) 'Interim Guidance – Searching by Transgender officers and employees of the Police and the Searching of Transgender detainees'. The note also highlights that the NPCC guidance states that there will be no career detriment to any officer or staff member who declines to conduct a search involving a transgender person, or to a transgender officer exempt from searching.

The DUP welcomed the progress made and the revised text of the draft note to accompany the interim Annex L of PACE Code C, which they believe will provide additional assurance for police officers.

The UUP welcomed the changes made by the Department and is content with the revised draft note.

Emma Sheerin highlighted that Sinn Féin does not accept Codes H and I.

Proposed: The Chairperson proposed that the Committee agrees that it is now content with the proposal for a Statutory Rule to bring into force revisions to PACE Codes of Practice A to H and the introduction of the new Code of Practice I.

The question was put that the Committee agrees that it is now content with the proposal for a Statutory Rule to bring into force revisions to PACE Codes of Practice A to H and the introduction of the new Code of Practice I.

The Committee divided: Ayes: 4; Noes: 3

Ayes: Paul Frew, Doug Beattie, Connie Egan, Brian Kingston

Noes: Emma Sheerin, Ciara Ferguson, Aoife Finnegan

The motion passed.

**Agreed:** That the Committee is content with the Department's proposal for the Statutory Rule.

## 8. Correspondence

The Committee considered the following items of correspondence:

- Individual responses from the Department of Justice and the NI Policing Board (NIPB) providing clarity on clarify where the Guidance to Medical Practitioners on Injury on Duty Awards can be accessed, as well as further correspondence from an individual who had raised the matter with the Committee seeking clarity on whether the Guidance to Medical Practitioners has been withdrawn.

**Agreed:** To forward the responses from the NIPB and the Department with and a copy of the Guidance to the individual who raised the matter with the Committee; to inform him that the Committee is aware that the online guidance has been withdrawn from the website; and, with his consent, forward the questions on the in his further correspondence to the Policing Board for response.

- Forwarded correspondence from the Public Accounts Committee from Extern regarding the future funding for their Prisoner Support Project.

**Agreed:** To forward the correspondence to the Department for Communities, the Department of Health and the Department of Justice to ask what

consideration has been given to providing funding for this project.

- Correspondence from Unsilence Victims of NDAs raising concerns regarding the misuse of Non-Disclosure Agreements in charity, faith and education sectors

*Doug Beattie expressed an interest on the basis that he has previously held a meeting with this organisation on the issue.*

**Agreed:** To forward the correspondence to the Committee for Communities, the Committee for Education, and the Committee for Finance for any action they may wish to take.

**Agreed:** That the Committee team will circulate previous correspondence on NDAs to Committee Members for information.

**Agreed:** To advise Unsilence Victims of NDAs that the correspondence has been forward to those Committees as the charity, faith and education sectors fall outside the Committee's remit; and that the Committee will consider what further action it may wish to take in respect of NDAs more generally.

The Committee noted the following items of correspondence:

- Department of Justice - Response regarding the consultation on the list of qualifying offences as specified under Article 53A of the Police and Criminal Evidence (NI) Order 1989.
- Committee for Finance - Copy of a memo from Department of Finance on the impact of the Chancellor's Spring Statement on Executive Funding.

- Committee for Health - Department of Health update on the 'Right Care, Right Person' model.
- Ofcom – Social media use by young people

## **9. Forward Work Programme**

The Committee considered the Department's proposed forward work programme for April and the latest draft of the Committee's forward work programme.

**Agreed:** To schedule the proposed work items from the Department of Justice into the Committee's forward work programme and proceed with the proposed work schedule.

## **10. Chairperson's Business**

There was no Chairperson's business.

## **11. Any Other Business**

There was no other business.

## **12. Date, Time and Place of the next meeting**

Members were advised that next meeting will take place on Thursday 26 March at 2.00pm in the Room 30, Parliament Buildings.

*The meeting was adjourned at 4.08pm.*

**Emma Sheerin MLA**

**Deputy Chairperson, Committee for Justice**

**26 March 2026**