



Northern Ireland
Assembly

Committee for Justice

Report on the Justice Bill

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Powers and Membership

Powers

The Committee for Justice is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, Section 29 of the Northern Ireland Act 1998 and under Standing Order 48. The Committee has a scrutiny, policy development and consultation role with respect to the Department of Justice and has a role in the initiation of legislation.

The Committee has power to:

- consider and advise on Departmental budgets and annual plans in the context of the overall budget allocation;
- consider relevant secondary legislation and take the Committee stage of primary legislation;
- call for persons and papers;
- initiate inquiries and make reports; and
- consider and advise on any matters brought to the Committee by the Minister of Justice.

Membership

The Committee has nine members including a Chairperson and Deputy Chairperson and a quorum of five.

The membership of the Committee is as follows:

Mr Paul Frew MLA, DUP (Chairperson)¹

Ms Emma Sheerin MLA, Sinn Féin (Deputy Chairperson)^{2,3}

Mr Doug Beattie MLA, UUP

Mr Maurice Bradley MLA, DUP

Ms Connie Egan MLA, Alliance⁴

Mrs Ciara Ferguson MLA, Sinn Féin

Ms Aoife Finnegan MLA, Sinn Féin^{5,6,7,8}

Mr Brian Kingston MLA, DUP^{9,10}

Mr Patsy McGlone MLA, SDLP¹¹

¹ With effect from 15 September 2025, Mr Paul Frew replaced Ms Joanne Bunting as Chairperson

² With effect from 28 May 2024, Miss Deirdre Hargey replaced Mrs Sinéad Ennis as Deputy Chairperson

³ With effect from 24 November 2025, Ms Emma Sheerin replaced Miss Deirdre Hargey as Deputy Chairperson

⁴ With effect from 11 November 2024, Ms Connie Egan replaced Mr Stewart Dickson

⁵ With effect from 15 May 2024, Mrs Sinéad Ennis replaced Miss Deirdre Hargey as Deputy Chairperson

⁶ With effect from 2 December 2024, Miss Jemma Dolan replaced Mrs Sinéad Ennis

⁷ With effect from 10 January 2025, Mr Danny Baker replaced Miss Jemma Dolan

⁸ With effect from 20 January 2026, Ms Aoife Finnegan replaced Mr Danny Baker

⁹ With effect from 16 September 2024, Mr Stephen Dunne replaced Mr Alex Easton

¹⁰ With effect from 23 September 2025, Mr Brian Kingston replaced Mr Stephen Dunne

¹¹ With effect from 8 September 2025, Mr Patsy McGlone replaced Mr Justin McNulty

List of Abbreviations and Acronyms used in this Report

Abbreviation/Acronym	Full explanation of Abbreviation/Acronym
AI	Artificial Intelligence
BASW NI	British Association of Social Workers Northern Ireland
CAJ	Committee on the Administration of Justice
CBRJ	Community based restorative justice
CiNI	Children in Northern Ireland
CJINI	Criminal Justice Inspection Northern Ireland
CLC	Children's Law Centre
CVOCNI	Commissioner for Victims of Crime Northern Ireland
DoJ	Department of Justice
DPM	Delegated Powers Memorandum
EFM	Explanatory and Financial Memorandum
IAG	Independent Advisory Group on the use of Biometric Data in Scotland
ICO	Information Commissioner's Office
JJC	Juvenile Justice Centre
LCJ	Lady Chief Justice
MLA	Member of the Legislative Assembly
NGO	Non-Government Organisation
NIACRO	Northern Ireland Association for the Care and Resettlement of Offenders
NICCY	Northern Ireland Commissioner for Children and Young People
NIPB	Northern Ireland Policing Board
NIHRC	Northern Ireland Human Rights Commission
NSPCC	National Society for the Prevention of Cruelty to Children
OLC	Office of the Legislative Counsel
PACE	The Police and Criminal Evidence (Northern Ireland) Order 1989
PBNI	Probation Board for Northern Ireland
PSNI	Police Service of Northern Ireland
RaISe	Northern Ireland Assembly's Research and Information Service
SBNI	Safeguarding Board for Northern Ireland
SCBA	Solicitors Criminal Bar Association
SOS	Secretary of State
UNCRC	United Nations Convention on the Rights of the Child
VOYPIC	Voices of Young People in Care
YOC	Young Offenders Centre
YSCO	Youth Custody and Supervision Order

Executive Summary

1. This report sets out the Committee for Justice's consideration of the Justice Bill. The Bill was introduced to the Assembly on 17 September 2024 and was referred to the Committee on 2 October, following completion of its Second Stage.
2. The Justice Bill as introduced consists of 34 Clauses and four Schedules, and has four key aims:
 - to amend the retention periods for DNA and biometric material;
 - to make changes to bail custody arrangements for children and young people;
 - to improve services for victims and witnesses; and
 - to improve the efficiency and effectiveness of aspects of the justice system.
3. Long before the Bill's introduction, the Committee was informed of the Minister's intention to bring amendments at Consideration Stage on a range of policy matters. Following the Bill's introduction, these were confirmed as relating to:
 - Restorative Justice;
 - Rehabilitation of Offenders;
 - Live Links for Courts and Tribunals;
 - AccessNI Filtering;
 - Serious Organised Crime; and
 - Repeal of Vagrancy Legislation
4. The Committee indicated its concern at the proposed approach and the potential impact on its scrutiny role at Committee Stage. The Committee recognises that unforeseen amendments may arise during the course of the Committee Stage – in this case, for example, to deal with urgent issues such as deepfake offence or safeguarding measures such as Barred and Advisory Lists – or amendments to address perceived gaps in the Bill that have been highlighted in evidence received. Nonetheless, the Committee is of the view that

the Bill as introduced should contain all the clauses that the Department plans to include, and that the approach taken to the Justice Bill should be the exception rather than the norm.

5. To allow time for full consideration of the Bill and planned amendments, the Committee sought a lengthy extension to the Committee Stage. While it was the Committee's intention to complete its work earlier if possible, regrettably that has not been the case. The Committee's extensive consideration of the Bill and planned amendments is demonstrated through its consideration of the Bill at over 50 meetings and in the discussions during 32 oral evidence sessions.
6. One of the perceived gaps that was highlighted repeatedly in evidence was that photographs were absent from the retention framework for biometric data. The Committee engaged with the Department on the rationale for their exclusion and on a potential amendment to address the gap, and was advised that significant policy development work and public consultation would be required. The Committee therefore agreed to table an amendment to provide an enabling power for the Department to bring forward regulations for the retention and use of photographs within five years of Royal Assent, which will allow the Department time to complete all the necessary work.
7. The Committee was also concerned that a timeframe to commence the provisions of Part 1 of the Bill had not been included. The Committee agreed to table an amendment to include a timescale for the commencement of Part 1 and, acknowledging the amount of work required to implement the provisions, some of which is outside the Department's control, the amendment requires the provisions to be commenced within five years of Royal Assent. However, the Committee fully expects that the provisions will be commenced well before that five year period has expired, and that the Department will take all steps necessary and work with partners in the justice system to ensure that is the case.
8. The Committee agreed to table amendments to Clauses 4, 5 and 6 to add 'vulnerabilities' to the list of matters to be considered by the police and courts when making decisions relating to bail and custody for children.

9. The Committee is disappointed that the Department has indicated that the provisions of Clause 8 will not be commenced until more suitable accommodation is available. The Committee explored a potential amendment to include a timescale for commencement of the provisions. However, in considering the Department's advice and position, the Committee recognised the risks of such an amendment and agreed not to proceed. However, the Committee remains deeply concerned about the potential impact that the non-commencement of the provisions could have on children who would otherwise be released on bail. The Committee urges the Minister of Justice and the Minister of Health to work together and take all necessary steps to commence these important provisions at the earliest opportunity.
10. The Committee agreed to bring forward an amendment to insert a new Clause to provide for the review of the operation of Live Links in police custody. The Committee agreed to reserve its position on a similar amendment to review the use of Live Links in courts and tribunals until such times as the Ministerial amendment has been tabled.
11. A potential amendment to the planned Ministerial amendment on restorative justice remains under active consideration by the Committee. Therefore, while the Committee has agreed it is content with the text of the planned amendment as drafted, it has reserved the right to bring an amendment at Consideration Stage.
12. The Committee sought and obtained the Department's agreement to change the Assembly control for two delegated powers from the negative to draft affirmative procedure.
13. The Committee undertook its formal Clause-by-Clause scrutiny of the Bill at its meeting on 19 March and, aside from the matters highlighted, was broadly content with the cCauses of the Bill and planned amendments as drafted with the exception of Clause 28 relating to the taxation of legal aid. The Minister has indicated that she intends to table a further amendment on taxation reform and, as a result, will propose that Clause 28 does not stand part of the Bill.

Introduction

Pre-introductory Scrutiny

14. The Department of Justice wrote to the Committee on 8 March 2024 on a number of matters including its proposed legislative programme for the remainder of the Assembly mandate, to include a mixed content Justice Bill. The Committee was advised that the Bill would include provisions relating, among other things, to bail and remand for children; the retention of biometric material: procedural adjustments to Police and Criminal Evidence review provisions by live video link; the transfer of powers and functions from the Secretary of State to the Department of Justice to restart the accreditation process for organisations wishing to deliver Community-Based Restorative Justice; measures to facilitate future reforms in relation to the taxation of legal aid costs; and other administrative and technical amendments.
15. The correspondence also advised of potential content that was planned for inclusion by way of amendment at Consideration Stage, including:
 - Replicating provisions in the Coronavirus Act 2020 to facilitate the continuation of remote court access in the criminal and civil courts and in Tribunals;
 - New offences of directing and participating in serious organised crime;
 - Making it unlawful for a compensator to pay compensation in respect of a child without court approval in minor settlements; and
 - Repeal of vagrancy legislation (the Vagrancy Act 1824 and the Vagrancy (Ireland) Act 1847).
16. The Committee received advice from the Assembly Bill Office and Assembly Legal Services on 11 April 2024 on the potential implications of the intention to bring a number of significant amendments on a range of policy matters at the Consideration Stage. Following the briefing, the Committee wrote to the Department outlining its concern about the implications of the proposed approach on scrutiny of the Bill and on the Committee's ability to effectively

advise and assist the Minister. The Committee indicated that it wanted to work collaboratively with the Minister and the Department to ensure thorough and effective scrutiny of the Bill, that due process is followed and that unintended consequences are avoided. The Committee highlighted its view that, at introduction, the Bill should contain all the clauses that the Department plans to include.

17. The Minister of Justice subsequently met with the Chairperson and Deputy Chairperson to discuss the Committee's concerns with the Department's proposed approach. In a subsequent written response, the Minister noted that this was not a novel approach for Department of Justice Bills and advised of her concern that, to wait until all provisions were ready for inclusion in the Bill at introduction, the Bill would likely not be introduced until late autumn instead of May 2024 as planned. Furthermore, such a delay may impact on the other Bills that the Department planned to bring forward in this mandate.
18. The Minister's correspondence provided a list of the provisions that would be included in the Bill at introduction. She also confirmed four planned additions where policy development had been finalised but drafting of the provisions had not been completed, and undertook to provide the text of the amendments to the Committee as they became available. These were:
 - Provisions to transfer powers and functions from the Secretary of State to the Department of Justice to restart the accreditation process for organisations wishing to deliver Community-Based Restorative Justice. The Committee had previously been informed that this was to be included in the Bill at Introduction. However, the Minister advised that this had been deferred as a result of change in the policy approach since provisions were originally drafted in 2021.
 - Provisions to amend rehabilitation periods in the Rehabilitation of Offenders (Northern Ireland) Order 1978.
 - Provisions for the use of live links in courts and tribunals.
 - AccessNI filtering amendments to streamline the arrangements for the maintenance and ease of understanding of the list of offences that cannot be filtered.

19. As well as these planned additions to the Bill, the Minister advised of further potential additions, subject to completion of necessary policy development work, in the following three areas:
- New offences of directing and participating in serious organised crime;
 - Making it unlawful for a compensator to pay compensation in respect of a child without a court approval in minor settlements; and
 - Repeal of vagrancy legislation.
20. Having considered the Minister's correspondence, the Committee wrote to the Department to reiterate its concerns. While emphasising the intention to work collaboratively with the Department on the Bill, it nonetheless remained the Committee's view that the Department's proposed approach should be exceptional.

The Justice Bill

21. The Justice Bill was introduced in the Northern Ireland Assembly on 17 September 2024.
22. The Bill consisted of 34 Clauses and four Schedules at introduction and had four key aims:
- to amend the retention periods for DNA and biometric material;
 - to make changes to bail custody arrangements for children and young people;
 - to improve services for victims and witnesses; and
 - to improve the efficiency and effectiveness of aspects of the justice system.
23. Further information on the background and policy objectives of the Bill is provided in the accompanying Explanatory and Financial Memorandum.

The Committee Approach

24. The Justice Bill was referred to the Committee for Justice in accordance with Standing Order 33(1) on completion of the Second Stage of the Bill on 1 October 2024.
25. From the outset, the Committee indicated its intention to scrutinise the planned Departmental amendments in tandem with the provisions of the Bill as introduced. In arriving at this position, the Committee had received advice from the Clerk Assistant to the Bill Office and from Assembly Legal Services.
26. On 10 October 2024, the Committee agreed an extension to the Committee Stage until 27 March 2026. In her speech to the Assembly, the then Chairperson stated, “the Committee did not take its decision to seek an extension of this duration lightly,” adding

“The complex nature of the mixed content Bill, the fact that it is proposed that substantive provisions will be added by way of amendment at Consideration Stage and the High Court judgement on the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 were among the matters that the Committee considered when coming to its decision to seek the extension.”
27. The motion to extend the Committee Stage to 27 March 2026 was approved by the House on 5 November 2024.
28. On 14 November, the Committee noted text of three of the planned Ministerial amendments. In noting that the text of all amendments was expected to be provided to the Committee by the end of 2024, the Committee agreed at that meeting not to issue the Call for Evidence until the text of all the amendments had been received. The text of the final amendment was received on 31 January 2025.
29. The Call for Evidence was issued on 7 February 2025 with an initial closing date of 21 March, which was subsequently extended to 4 April. A media notice was published in the Belfast Telegraph, the Irish News and the News Letter and publicised on Facebook and X (formerly Twitter). The Committee also wrote directly to key stakeholders to seek their views. Responses to the Call for

Evidence were requested via a Citizen Space survey or written submission direct to the Committee. 16 responses were received to the Citizen Space survey. 36 written submissions were received either in response to the Call for Evidence or in support of oral evidence sessions. Written submissions are provided at Appendix 5.

30. The Committee received oral evidence from 26 organisations or individuals in addition to the Department of Justice. The transcripts of the oral evidence sessions are available at Appendix 2 and a list of those who gave oral evidence is at Appendix 8. The Committee also engaged extensively with the Department of Justice throughout its consideration of the Bill and planned amendments. Memoranda and papers from the Department can be found at Appendix 3.
31. In addition to the initial Assembly Research and Information (RaISe) paper on the Bill, the Committee commissioned 14 papers or supplementary papers on matters relating to the Bill and the planned amendments. The RaISe papers are available at Appendix 6.
32. The Committee received several briefings from Assembly Legal Services on the human rights considerations of the provisions of the Bill and the planned amendments. The Convention Rights Memoranda are available at Appendix 7. The Committee also received several briefings from the Examiner of Statutory Rules on the delegated powers in the Bill and the planned amendments.
33. The Committee also held two informal roundtable events. The first was to hear the views of grassroots community organisations on the provisions of the Bill and planned amendments. The second was to hear directly from young people, given the provisions on the Bill that were specific to children. That event was facilitated with Include Youth and Voice of Young People in Care (VOYPIC), who engaged with a number of organisations to try to ensure that young people from a range of backgrounds had the opportunity to participate in the event. The notes from both events can be found at Appendix 5.
34. The Committee deliberated on the evidence received at eight meetings and undertook formal clause-by-clause scrutiny on 19 March 2026.

35. Since the Bill was formally referred for Committee Stage on 2 October 2024, the Committee considered the Bill and related issues at 51 meetings. The Minutes of Proceedings are available at Appendix 1.
36. At the meeting on 26 March 2026, the Committee agreed its report on the Justice Bill and ordered that it should be published.

Consideration of the Provisions of the Bill

37. Following the Bill's introduction and in advance of the Second Stage debate, the Committee received oral evidence from Department of Justice officials on the principles and content of the Bill. During that session, the Committee was advised that, in addition to the amendments outlined above, the Department had identified the need to bring forward amendments to Part 1 of the Bill following "stress-testing of the provisions with operational partners when the drafting of the Bill was considered complete."
38. The Committee Stage commenced on 2 October 2025 following the completion of the Second Stage.

Part 1 - Biometric Data: Retention etc

Clause 1 - Retention of fingerprints and DNA profiles

39. Clause 1 inserts 26 new articles into the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE NI) to provide a revised framework for the destruction and retention of fingerprints and DNA material. Under the rules, the length of time that biometric material taken by police under PACE NI may be retained by police for the purposes of the prevention and detection of crime will vary depending on the seriousness of the offence, criminal history, and the age of a person at the time of an offence. Clause 1 also establishes the Northern Ireland Commissioner for the Retention of Biometric Material.
40. According to the EFM, the new provisions

“will collectively implement the judgments by the European Court of Human Rights in the cases of *S and Marper v UK* (2008) and *Gaughran v UK* (2020) which found that the current law insofar as it applied to the retention of DNA and fingerprints in respect of non-convicted and convicted persons was in violation of Article 8 of the European Convention on Human Rights.”

The retention framework

41. Whilst welcoming the move away from indefinite retention periods for DNA and biometric material, several respondents questioned the rationale for the 75/50/25 year retention regime, the timeframes for the retention of material from children and young people and for those arrested but either not charged or not convicted of a serious offence.
42. The Scottish Biometric Commissioner, Dr Brian Plastow, pointed out that the substance of the European Court judgements was not that indefinite retention is wrong, but that indefinite retention with no prospect of review is wrong. He advised “we have researched retention periods, looking across Europe, and nobody has the gold standard; everybody does it differently.” He considered it a bad idea to have a one-size-fits-all, but indicated that he thought the periods proposed would be fine, provided that there is an opportunity for periodic review.
43. In his response, Dr Aaron Amankwaa stated he did not agree with the 75/50/25 model or the other proposed retention periods. In his view, a “proportionality model” should be considered, even for recordable offences other than qualifying offences, with retention based on length of sentence plus average recidivism rate.
44. VOYPIC, Include Youth, the British Association of Social Workers NI (BASW NI), the Northern Ireland Commissioner for Children (CiNI) and Young People (NICCY) and Children in Northern Ireland all expressed concern about the proportionality and necessity of retaining data for young people, which was described by some as “excessive”. In particular, it was considered that the retention of biometric material for lengthy periods could stigmatise children and

could impact on their future. Similar concerns were expressed by young people themselves during the informal roundtable event.

45. The Northern Ireland Youth Assembly felt that the proposed 75/50/25 year model was unfair for children. It was concerned that there were insufficient safeguards for children and young people and that no consideration was given to age and maturity in relation to retention periods.
46. Victim Support NI stated that it broadly supported the 75/50/25 -year model but was concerned about age. They believed that the framework

“should distinguish between the retention periods for adults and children and young people. We would contend that children and young people should be considered separately within the proposal and that retention periods should be reviewed with greater regularity and should take account of a child’s specific circumstances at the time of the offence.”

47. The Committee questioned the Department on several occasions on the basis for the 75/50/25 year model, endeavouring to determine the precise factors used to determine the length of the retention periods. In correspondence, the Department set out the following factors that it took account of in the development of the proposed model for maximum retention periods:

- The need to move away from blanket indefinite retention.
- The key findings of the Gaughran judgment and legal advice as to how the Department should address its findings.
- The Sunita Mason review of criminal records in Northern Ireland.
- The limited information available on retention regimes in other jurisdictions.
- The value of retaining DNA and fingerprints for use in investigating offences (particularly the most serious offences), preventing offending and protecting the public.
- The benefit in putting in place a framework that is not overly complex for the public to understand or the police to administer.

48. In respect of how the Department arrived at a 75/50/25 year model, the Department stated that it:

“settled on numbers that could be integrated into a model based on severity of offence and age and provide for a graduated approach that was not overly complex to administer.

This was a judgement call taken by the Department that resulted in the proposed 75/50/25 model. This was based on the conclusion that the 75/50/25 model, together with a review mechanism, reflected the guidance provided by European Court of Human Rights judgments and the good practice from the various frameworks across Europe.

The Department also took account of the responses to the consultation. The consultation responses mostly fit into one of two groups. The first was that material should be retained for as long as possible (most in favour of indefinite retention) for public safety and crime prevention. The second was that material should only be retained for as long as absolutely necessary. The Department considers that 75/50/25 retention model strikes a fair balance between the two groups.”

49. The Department also noted that provisions had been incorporated in the Bill to lessen the impact on under 18s and, depending on the nature of the offence and the sentence imposed, DNA profiles and fingerprints for those under 18 would be subject to shorter retention periods than adults.

Retention periods for arrest or charge without conviction

50. Article 63G provides that material may be kept for 3 years for offences where the person was arrested for or charged with a qualifying offence but not convicted. It also outlines a role for the proposed Northern Ireland Commissioner for the Retention of Biometric Material to consent to retain this material under prescribed circumstances, which would be subject to regulations to be brought forward via delegated legislation.
51. The Northern Ireland Human Rights Commission (NIHRC) queried if keeping the material for three years when no conviction was achieved was proportionate, noting that *S and Marper vs UK*, the ECtHR highlighted the risk

of stigmatisation for those whose biometrics had been retained “who have not been convicted of any offence and are entitled to the presumption of innocence.”¹² In oral evidence, the NIHRC questioned what evidence the Department had that the retention of material for three years of those not convicted give an evidential advantage in the detection of crime, and why the time was set at three years. They went on to say, however,

“from years of research, particularly around violence against women and girls, the police know that there are perpetrators against whom incidents will continue to be reported. The material is kept for a period of time because it is likely that it will go on to an escalation of a criminal charge. That is based on other people’s expert research. There is a logic and a rationale to it, and it is considered to be what is necessary and proportionate. If you always apply that test to it, you end up with something that is reasonable.”

52. NICCY, CiNI, Include Youth and others raised concerns on several issues including proportionality, privacy and the presumption of innocence. Questions were also raised about why there was no distinction between adults and young people, again highlighting the risk of stigmatisation for people whose biometrics were retained even if they were not charged or convicted.
53. Fraser Sampson, the former Biometric and Surveillance Camera Commissioner for England and Wales held a contrary view. He argued that this article should be looked at from a crime prevention and protection lens and not solely from a data management viewpoint.
54. In its response to the concerns raised, the Department advised that the provisions aim to protect some of the most vulnerable in society. There may be cases where it has not been possible to bring charges, particularly in cases involving sexual offences or domestic violence due, for example, to victim or witness intimidation, but where the police have a strong suspicion that the suspect is a risk to the victim and to others. The Department stated that it would therefore be beneficial to retain DNA profiles and fingerprints in such cases on

¹² [S. AND MARPER v. THE UNITED KINGDOM](#)

the grounds of public protection, but pointed out that “DNA and fingerprints will only be retained for three years if prescribed circumstances apply and the retention is approved by the independent Biometrics Commissioner.”

55. The NIHRC also advised it was unclear why the circumstances to be prescribed in regulations made under 63G could not be included on the face of the Bill in primary legislation. The Department advised that it considered that secondary legislation would be preferable as it provides more flexibility should an urgent amendment to the prescribed circumstances arrangements be required in the interests of public protection. The Department also noted that the regulations will need to be approved by the Assembly.

Northern Ireland Commissioner for the Retention of Biometric Material

56. Article 63Z places a duty on the Department to appoint a Northern Ireland Commissioner for the Retention of Biometric Material (“the Biometrics Commissioner”). The Biometrics Commissioner is required to keep under review the operation of the biometric retention framework, may issue guidance on the acquisition, handling, retention and destruction of biometric material and will have a role in keeping new areas of biometric technologies under review. The Commissioner will also consider applications under Article 63G for the retention of material of persons arrested or not charged with a qualifying offence.
57. Evidence from respondents was mainly supportive of the establishment of the Commissioner but there were some who questioned the scale and scope of the Commissioner’s powers and the Commissioner’s independence.
58. The NIHRC noted that the consent of the Biometrics Commissioner will be required for the retention of material under Article 63D; however the permissible circumstances in which that may take place will be set out in regulations. The NIHRC queried why this was not in the Bill and what the full remit of the Commissioner would be.
59. The Information Commissioner’s Office (ICO) supported the introduction of the office of Biometrics Commissioner and broadly supported the role but queried

what was meant by “keep under review” in relation to the acquisition, retention and use of biometric material, as well as the use and development of existing and new biometric technologies.

60. NICCY supported the introduction of a Biometrics Commissioner and supported the role of them and their office but felt that the Commissioner should have greater powers “to consider individual applications for review of retention of their biometric material for children and young people.” NICCY also said further information on the duties and powers of the Commissioner’s Office would be welcome, particularly with regard to the oversight of the new biometrics regime and any such monitoring of it which would be an important safeguard. NICCY felt the Commissioner’s powers should extend to an appeal mechanism for retention of material.
61. Others questioned whether there was the need for a Biometrics Commissioner. A number of those who responded via the Citizen Space survey were opposed to the establishment of the post as they believed the duties could be performed by existing functions of government, and unnecessary costs would be created by establishing the post.
62. In his response, Dr Aaron Amankwa of Northumbria University stated that

“In my opinion, this role is redundant considering the overlap of functions with other agencies/ bodies, such as the Information Commissioner's Office and the Forensic Information Database Strategy (FIND) Board. To streamline the regulatory process, oversight of biometric information and review of the acquisition, use, retention and destruction of biometric material, the Information Commission (Northern Ireland) and the FIND Board (Northern Ireland) should assume the functions of the Commissioner proposed in the bill. A multi-stakeholder independent oversight board or commission may be a more comprehensive governance arrangement for biometrics.”

Biometric Review Mechanism

63. The Committee sought further information on provisions for a review mechanism, which the Department advised would “alleviate a number of the

concerns surrounding the longer retention periods and will ensure the ongoing retention of an individual's DNA and fingerprints is still considered necessary and proportionate.”

64. The Department advised that, in order to comply fully with the judgment in the ECtHR case of *Gaughran v UK*, which made specific reference to the absence of any real possibility of review, the introduction of a statutory review mechanism will be an important safeguard. The Bill included a regulation making power to allow the review mechanism to be taken forward by secondary legislation which would provide flexibility to amend arrangements if necessary to meet future requirements.
65. The Department advised that work was ongoing to develop the review mechanism, including engagement with the Departmental Solicitor's Office, the NIHRC, NICCY and the ICO. Subject to passage of the Justice Bill, a public consultation will be carried out before the regulations are brought before the Assembly. Committee expressed concern that it may be some time before it is clear how the review mechanism will operate. In a subsequent written update on the proposals for the review mechanism, the Department advised of its intention to take the necessary steps to progress the regulations as soon as possible after Royal Assent.
66. The Committee sought further information on a range of matters relating to the proposals, including the independence of the review and reconsideration process, oversight of the process and the role of the Biometrics Commissioner. In its response, the Department advised that it is anticipated that requests for reconsideration of a decision made on a review request will be considered by a separate individual, designated by the Chief Constable. In line with other similar practices, it is intended that the reconsideration will be handled by more senior members of staff not involved in the original decision-making process. The Department also advised that an individual who remains dissatisfied can make a complaint to the Biometrics Commissioner to assess whether the retention is lawful and complies with Part 6 of PACE NI.

Biometric material covered by the provisions

67. In both oral and written evidence received by the Committee, numerous respondents questioned why the retention and disposal provisions will only relate to DNA and fingerprints and not other forms of identification of a person, such as photographs or images. Concern was expressed that that the approach taken in the Bill was limited in scope, that a broader definition of biometric material should be included in the Bill, and that it may not in line with practice in other jurisdictions.
68. The NIHRC stated in oral evidence that biometric material is more than DNA and fingerprints and will include, for example, photographs. The NIHRC suggested that “you can have a very broad reference to biometric data and let case law and criminal law decide what is included in biometric data.”
69. In his oral evidence to the Committee, the Scottish Biometrics Commissioner, Dr Brian Plastow, advised that
- ““biometric data” is defined differently in different legislation in the UK. For example, under UK data protection law, a photograph is not biometric data, but, as soon as you translate that photograph into binary code and apply it to a facial searching platform, it is biometric data. In Scotland, the definition of “biometric data” covers all biometrics that the police use, including DNA, fingerprints, photographs, recordings, voice, gait recognition and vein pattern recognition.”
70. The ICO’s written submission noted that the position of custodial photographs as biometric data is not as clear as that for fingerprint and DNA profiles. The ICO subsequently clarified in oral evidence that, while a photograph in itself is not biometric data, the application of a technical process to use the photograph for the purpose of identifying someone makes it biometric.
71. In his written submission, Doctor Amankwaa was critical of the absence of a clear definition of biometric data in the Bill. In order to future-proof the Bill, he believed that the IAG’s definition of biometric data should be adopted to include stipulations about the regulation and use of “new and emerging biometrics’ for investigative purposes. In Dr Amankwaa’s view, this is “crucial because emerging genetics techniques are not covered by legislation.”

72. Similarly, the Ada Lovelace Institute noted that the deployment and capabilities of biometrics technologies are growing “at pace.” They stressed that it
- “is important that the ability of our institutions to respond to those developments is fast and future-proofed. You achieve that by ensuring that the remit is wide enough to catch the scope of all those technologies and the institutions are sufficiently empowered to respond flexibly to them.”
73. The Northern Ireland Youth Assembly felt the Bill was missing an opportunity, noting particular concerns about new technologies including Artificial Intelligence (AI), and that facial recognition technology is already commonly used by police forces across the UK. However, at the informal roundtable event with young people, views were expressed that photos are becoming increasingly less relevant as biometric data but that other formats, such as video, are increasing and there is therefore a need for the rules to keep up with technology. There was also some uncertainty among participants at the grassroots event on the need for the inclusion of photographs, given that people will change over time and photographs become less useful for police.
74. The Committee initially wrote to the Department on 1 July 2025 to ask why photographs were not included as biometric data in the Justice Bill or the proposed amendment. In response, the Department stated that
- “the task at the present time is to provide a resolution to the compliance issues associated with the amendments to the Police and Criminal Evidence (NI) Order 1989 (PACE NI) made by the Criminal Justice Act (NI) 2013, which was never commenced and which related to DNA and fingerprints only.”
75. The Department outlined its view that the retention of photographs could not be considered separately from the use of photographs and the need for legislation in this regard. This would require time and space for the necessary policy development, engagement with stakeholders and a public consultation. The Department also advised of work ongoing in England and Wales and in Scotland the retention and use of photographs, including the use of facial recognition, which it would wish to take account of in its consideration of this matter.

76. The Committee questioned the PSNI about absence of photographs from the provisions in the Bill. The PSNI stated that it is for the Department to decide whether photographs or images are to be included. However, the PSNI assured the Committee that the PSNI has made a policy decision to treat facial images in the same way as fingerprints and DNA, and will therefore apply the retention rules for fingerprints and DNA to custody images.
77. During the initial deliberations on 29 January 2026, Members indicated their concern at the exclusion of photographs from the Bill. The Committee agreed to inform the Department that it was actively considering an amendment to bring photographs within the scope of Part 1 and raised the matter with Departmental officials on 5 February. After further deliberations on 12 February, the Committee formally asked the Department to bring forward such an amendment.
78. The Department responded on 24 February 2026 reiterating its earlier position, and stated that “these are substantive and complex issues which require time for meaningful engagement with stakeholders and a full public consultation.” The Department therefore advised that the Minister was not of a mind to bring forward the amendment. However, it suggested that the Committee may wish to consider introducing a regulation-making power to make provision for the retention and use of photographs, which would provide time for the necessary policy development and public consultation to be undertaken.
79. The Committee considered the approach proposed by the Department to insert a regulation-making power into the Bill to be an acceptable compromise. Initially, the Committee considered if this could be drafted in such a way to capture emerging technologies, which would in effect ‘future proof’ the Bill. However, it was noted that the retention framework applies to biometric data taken under the PACE Order and there were no other categories of biometric data currently in PACE to which such an amendment could be linked.
80. The Committee therefore agreed to bring forward the following amendment:

Amendment 1

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.”.’

Commencement of the provisions in Part 1 of the Bill

81. In determining the timescale for within which the regulations for the retention and use of photographs should be laid in the Assembly, the Committee sought to understand why no timescale for the commencement of the provisions in Part 1 of the Bill was included in the Bill. Instead, the Bill provides that they will be brought into operation on a day to be appointed by the Department.
82. The Department advised that it was expected that the commencement of the framework will not take place until 18-24 months after Royal Assent, outlining the work that needed to be done before commencement. The Department advised of its view that a statutory requirement to commence Part 1 would be “problematic”, given the volume and complexity of the subordinate and excepted primary legislation and the development of the necessary systems, and that a number of factors were outside the Department’s control.
83. The Department suggested, if the Committee wished to proceed, that an amendment to commence the provisions could require that the day to be appointed should be within five years of Royal Assent.
84. While recognising some of the risks outlined by the Department, Members indicated some concern with a proposed timescale for commencement of five years, pointing out in particular that the retention and disposal framework is necessary to address human rights concerns and should therefore be implemented at the earliest opportunity.
85. The Committee agreed to bring forward an amendment to Clause 33 to require the Department to commence the provisions in Part 1 within five years of Royal Assent. However, in doing so, **the Committee agreed to record its expectation that the provisions will be commenced well before that five year period has expired, and that the Department should undertake all**

steps necessary and work with partners in the justice system to ensure that is the case.

New Article 63E(11)

86. New Article 63E(11) provides a power to allow the Department to amend the nomenclature of disposals specified in Article 63E(10), which includes references to a caution, an informed warning or a restorative caution.
87. During its consideration of the delegated powers in the Bill, the Committee received advice from the Examiner of Statutory Rules that the Assembly procedure for the regulation-making power at new Article 63E(11) should be draft affirmative rather than negative. However, the Department advised that it considered that any amendment made under this power would be of a minor, administrative nature and it therefore considered that the negative resolution procedure was appropriate and proportional.
88. The Committee noted that the power at new Article 63E(11) is a power to amend primary legislation (known as a Henry VIII power), and considered that the use of the negative resolution procedure for a Henry VIII power would be a departure from established practice. While the power at new Article 63E(11) may be narrow in focus, it relates to the regulation of biometric material, which is a matter of significance and sensitivity. The Committee therefore sought and received the Department's agreement to amend the power at new Article 63E(11) from negative resolution to the draft affirmative procedure. The Department confirmed that it will bring this amendment forward at Consideration Stage.

Clause 2 - Retention of fingerprints and DNA profiles: Amendments

89. Clause 2 gives effect to Schedule 2, which includes new provision for the retention of fingerprints and DNA in relation to certain sentencing disposals and makes minor and consequential amendments. .
90. Clause 2 received only a single comment from an anonymous respondent who stated that the clause seemed "sensible to work with the other bits of

legislation.” There was no opposition to the Clause.

Clause 3 - Retention of fingerprints and DNA profiles: Supplementary

91. Clause 3 makes supplementary provision in relation to the retention of fingerprints and DNA profiles. It provides that the biometric retention schedule will not apply to the retention of material from persons arrested for terrorism-related qualifying offences. It also sets out how material taken before commencement of the new provisions will be handled, puts in place transitional arrangements in the interim and affords the Department of Justice the power to make transitional, transitory or saving provisions, should this be necessary.
92. Clause 3 was broadly supported by those who commented on it, with no opposition recorded.
93. During the consideration of the delegated powers in the Bill, it was noted that the Assembly control for the rule-making power at 3(10), which should be draft affirmative, was absent from the Bill. The Department has undertaken to correct this at Consideration Stage, which will be via amendment to Clause 31.

Part 2 – Children

General comments

94. General concerns about Part 2 of the Bill included the use of the word “juvenile” which a number of respondents indicated had negative connotations, suggesting that references should instead be to “child”. In response to Members’ questions, officials advised that it would be the Department’s preference to use “child” rather than “juvenile”. However, it has been necessary to use “juvenile”, particularly for clauses 4 and 5, as those provisions are being inserted into PACE legislation where the word “juvenile” is used, so it has been necessary to follow the language there. The officials pointed out that the Criminal Justice (Northern Ireland) Order 1998 uses “child” throughout, so the provisions that will be inserted into that 1998 Order will say “child”.

95. Several of those who provided written and oral evidence on the Bill proposed that the principle of the “best interests of the child” should be specifically referenced in this legislation. In response, the Department advised that it would have no objection to this suggestion. However, when exploring this during the drafting of the Bill, The Office of the Legislative Counsel (OLC) had advised the Department that it was neither necessary or appropriate, as section 53 of the Justice (Northern Ireland) Act 2002 provides that all persons and bodies exercising functions in the youth justice system must have the best interests of the child as a primary consideration. This will extend to the provisions of the Bill, and OLC advised that additional references would be an unnecessary duplication of the existing overarching statutory principle.
96. During the roundtable event with young people, they highlighted that there is not enough support to prevent children from entering the criminal justice system in the first place, with similar comments made by those who participated in the grassroots roundtable event. The young people also felt that there is also a clear need for better systems to deal with children and young people in the justice system; for more bail/hostel accommodation; better diversionary and disposal schemes; better educational opportunities; and more vocational type recourse/rehabilitation for those who have committed crimes.

Clause 4 – Duties of a custody officer after charge

97. This clause inserts additional factors into Article 39(2A) of PACE that a custody officer is required to take account of when deciding whether to release a child, either with or without bail.
98. There was broad support from those who commented on this clause, with clarity sought on some issues.
99. The Children’s Law Centre (CLC) noted that “needs” in Article 39(2A)(e)(i) on page 18 of the Bill was not defined, and enquired if this would be consistent with that of a child in need as outlined in the Children (Northern Ireland) Order 1995. The Department clarified that no definition was provided so that needs could be interpreted in the widest possible form. It is not aligned to the Children (NI) Order 1995 as that has a specific focus on health and development and may not, for example, consider the underlying causes of offending behaviour.

100. In its submission, the Royal College of Speech and Language Therapists (RCSLT) highlighted the importance of ensuring that justice professionals were aware of how to identify language and communication issues, and how to adjust their language to ensure that all information is accessible to children and young people. The RCSLT made recommendations in relation to access to speech and language therapy; screening for speech, language and communication needs; and training for those across the justice system. In response, the Department advised that responsibility for screening for speech, language and communication needs and access to services both lie with the Department of Health. However, the Youth Justice Agency (YJA) uses a Child First approach and a needs assessment is undertaken for each child referred to the Agency. This assesses the child's wider needs and the YJA works with the family and other agency to access appropriate services. The Department also advised of the intention to develop guidance on the operation of the legislation, which could provide a further opportunity to draw attention to these issues and may include reference to training recommended by RCSLT.
101. It was suggested by Children's Law Centre (CLC) and Include Youth that 'vulnerabilities' should be added to the range of considerations that the police and courts must have regard to when making bail and remand decisions in children's cases, which would mean that Article 39(2A)(e)(i) on page 18 would read "the juvenile's age, maturity, needs and vulnerabilities."
102. In oral and written evidence to the Committee, the Department set out its view that such an amendment may not be necessary as it would be captured by "needs". However, the Department did not envisage that its inclusion would be problematic.
103. The Committee agreed on 12 February to formally ask the Department if the Minister would table an amendment to include "vulnerabilities" in Article 39(2A)(e)(i) on page 18 (and in other parts, as set out later in this report).
104. In the response received on 24 February 2026, the Department confirmed that the Minister would not bring forward this amendment. The Department stated that "whilst there is an argument to say that 'needs' and 'vulnerabilities' are aligned, so in considering one you are also considering the other, the Minister

appreciates there is a subtle distinction between them,” and continued, “while not of a view that the distinction merits the bring forward of Departmental amendments, the Minister is not opposed to the Committee tabling its own amendments.”

105. At the meeting on 5 March, the Committee agreed to table the following amendment at Consideration Stage:

Clause 4, Page 18, Line 40 After ‘maturity’ insert ‘, vulnerabilities’

Clause 5 – Police Bail after arrest

106. Clause 5 inserts the prevention of a serious threat to public order to Article 48 of PACE NI as a ground for attaching conditions to police bail. It also inserts new Article 48ZA into PACE NI which requires custody officers to have regard to youth-specific considerations when granting bail or varying the conditions of bail, including the age and maturity of the child and the capacity to understand and comply with the conditions of bail.

107. As with Clause 5, it was suggested that ‘vulnerabilities’ should be added to the range of considerations that the police must have regard to when making bail and remand decisions in children’s cases. The Committee agreed on 5 March to table the following amendment:

Clause 5, Page 19, Line 37 After ‘maturity’ insert ‘, vulnerabilities’

108. In its submission, CLC indicated that it did not believe that the clause achieves the stated policy position of strengthening the presumption of bail, arguing that it should clearly state that a child to whom it applies ‘must’ be released on bail and that the presumption of bail is also a presumption of bail without conditions. In response, the Department noted PACE NI already states that custody officers shall order a child’s release on bail except in defined circumstances, and that the ‘shall’ is equivalent to ‘must.’
109. There was general agreement among the participants at the round table event that, for most crimes, children and young people should not be held on remand.

However, some did point out that, depending on the circumstances of the child, custody could sometimes be a safe space.

110. CLC also expressed concern at the subjective nature of the consideration of new Article 48ZA(5)(b) which refers to the “character, antecedents, associations and community ties of the juvenile” and the potential for differential adverse impacts on young people arising from this definition. CLC also questioned the rationale for the reference to the strength of evidence of the juvenile having committed the offence at new Article 48ZA(5)(d). In its response, the Department advised that, in both instances, this wording already appears in the PACE Order and, for consistency, the new provision therefore repeats the same considerations that a custody officer must have regard to when deciding whether to impose bail conditions.
111. CLC and NICCY questioned whether consideration being given to a serious threat to public order as a ground to refuse bail applied to the child themselves or to other people or the wider community. NICCY queried if there was an intentional difference in the drafting in relating to 5(2)d amending PACE NI and 10E(2d) amending Criminal Justice Children (NI) Order on the serious threats to public order between ‘he does not cause’ and ‘the child’s release causing...’. Children and young people who otherwise would be released on bail, i.e. meeting no other criteria for refusal of bail, should not be denied bail due to the potential actions of other people. NICCY questioned if this was a potential breach of children and young people’s rights under the United Nations Convention on the Rights of the Child (UNCRC).
112. In its response on these issues, the Department indicated it was not being prescriptive about the application of “serious threat to public order,” so it could apply to a perceived threat arising from either the individual themselves or from the community. The Department pointed to a report by the NI Law Commission which identified this as an acceptable ground for a court to consider refusing bail or imposing bail conditions, and also that the ECtHR had recognised the preservation of public order as a ground for refusing bail.
113. The Department indicated its agreement that any decision not to release an individual on bail solely on a perceived threat to public order would likely have

human rights implications and stressed that, to manage that, it must be applied along with the other considerations being introduced in the Bill. The Department went on to say

“Detention for this reason may be justified in exceptional cases, if the gravity of the alleged offence and the public response are such that the release of the individual is likely to lead to a public disturbance.

...In all cases, the court would have to fully consider the actual threat posed, and all other options available. This could include the child being released on bail on the condition that they live elsewhere, to prevent such a scenario occurring.”

114. The Committee also discussed this issue with the PSNI, who advised that they had sought similar clarification from the Department and were advised that both contexts should be considered. The PSNI advised that, should it be considered that the release of a child back into a community may cause disorder, it may be a bail condition that they are instead located elsewhere to remove that potential. They stated:

“What is really clear, as I interpret it, is that that is for the minimum period of time possible, so that there is the least infringement on that child’s rights for that period of time when we believe that the disorder may be as a result of them being in a certain community. When that abates, that condition should be lifted.”

Clause 6 – Court Bail

115. Clause 6 inserts five new articles into the Criminal Justice (Children) (Northern Ireland) Order 1998 relating to the right to bail, the power to refuse bail, the conditions of bail, the considerations relevant to making the decision and the record of the decision.
116. Similar concerns were raised with regard to the inclusion of “serious threat to public order” in new Articles 10F and 10G as detailed at Clause 5 above.

117. In evidence to the Committee, the Children's Law Centre advised it was unclear of elements of new Article 10E (Right to bail), particularly paragraphs (3) to (5) which set out the circumstances where this Article does not apply. The Department confirmed this section of the Bill was specifically drafted by OLC to cover the circumstances where the child is already on remand or has been sentenced on other offences, in which case they are already being held in custody and should remain so, or where they have been convicted of the current offence. It was necessary to include these paragraphs to disapply the presumption of bail as it cannot apply on conviction.
118. The Commissioner Designate for Victims of Crime felt that the Bill should consider a way for victims' views to be considered as part of bail conditions, which could help ensure bail conditions are tailored effectively to protect them from further harm or intimidation. The Department acknowledged the impact that offending had on victims, and noted that the youth justice system is predicated on restorative justice once there has been a finding or admission of guilt. The Department advised that a court's decision-making with regard to bail will already take into account the impact of the alleged offence on others, including victims, but that it should be remembered that the accused remains innocent at this stage of the proceedings and decisions therefore should be taken by an independent judiciary.
119. The Safeguarding Board for Northern Ireland (SBNI) emphasised the need for a balanced approach that considers the rights of the accused while safeguarding public safety, with thorough assessments to ensure decisions are made based on evidence and risk. In their view, comprehensive training programs for the members of the judiciary on trauma-informed practices and child safeguarding would be of benefit to ensure that decisions are made with a full understanding of the impact on vulnerable children and families.
120. The Department responded by stating it has established a justice Trauma Informed (TI) Practice group which, among other justice and voluntary sector partners (including SBNI) has representatives from the NI Courts and Tribunals Service (NICTS) and the Lady Chief Justice's Office, which focuses on training and information sharing across justice partners to ensure a TI approach across all areas.

121. The Probation Board noted that the court process can be confusing for a child or young person and highlighted the importance of the use of age-appropriate language in explaining the requirements of bail and the consequences if a child fails to comply. The Department provided details of changes that have taken place over the years to make the Youth Court more child-friendly. It also pointed out that the Bill makes specific reference to consideration of the child's age, maturity and understanding when taking decisions about bail and bail conditions.
122. Having reflected on the evidence received, the Committee agreed to again table an amendment to add 'vulnerabilities' to the range of considerations that the court must have regard to when making bail and remand decisions in children's cases as follows:

Clause 6, Page 22, Line 22

After 'maturity' insert ', vulnerabilities'

Clause 7 – Arrest for absconding or breaking conditions of bail

123. This Clause deals with the decision to arrest a child for absconding or breaking bail conditions and the considerations which must be made by the officer.
124. CLC recommended, notwithstanding the existing recording and reporting requirements on officers following an arrest, that this Clause be amended to provide a proactive duty on officers to make a similar record of the decision when an arrest is made for breach of bail conditions. This record should clearly outline the reasons why the officer has chosen to carry out an arrest.
125. The Committee raised no concerns in respect of Clause 7.

Clause 8 – Considerations relevant to bail: accommodation

126. Clause 8 provides that a custody officer may consider a child's accommodation needs when making decisions regarding the release of a child on bail, but cannot refuse bail purely due to the absence of suitable accommodation.

127. Respondents were broadly supportive of the introduction of this Clause but highlighted the lack of suitable accommodation currently available.
128. CLC suggested that the Bill provided an opportunity to put in place a statutory system for the provision of accommodation for children who require a bail address. The Commissioner Designate for Victims of Crime suggested a statutory right to accommodation on release on bail could also be included. In response, the Department pointed out that it is not the responsibility of the justice system to introduce a statutory right or duty to provide suitable accommodation for children on bail, and that a statutory duty already exists in the Children (NI) Order 1995 for the Department of Health to provide suitable accommodation for children in need.
129. Particular concerns were raised that there is no timescale for commencement of the provisions of Clause 8 and that the Department has indicated that they will not be commenced until more accommodation is available. CLC, NICCY, Include Youth and VOYPIC all indicated that they could not support this position. It was felt that this is likely to result in children remaining on remand where they otherwise would have been released on bail and, in some cases, may even result in a child spending more time on remand than what they might receive if they had been sentenced for the offence.
130. In its evidence, the Law Society advised that it had highlighted over the years that children are often remanded and refused bail solely because of a lack of accommodation, and that there is a need for the development of appropriate emergency, short-term and long-term accommodation for children.
131. The Probation Board also advised that the securing of appropriate accommodation is a growing challenge for the organisation. They considered to be a real concern that some children and young people who have been granted bail have been unable to avail of it, due to a lack of appropriate accommodation.
132. Committee Members' concern about the current lack of appropriate accommodation and the absence of a timeframe for the commencement of the provisions, which could result in some children being kept in custody when they would otherwise have secured bail, was evident during the discussions with witnesses, the PSNI and Department of Justice officials.

133. During oral evidence on 15 January 2026, the PSNI stated that while the numbers of young people who are in need of bail accommodation is low, they acknowledge there remains a lack of suitable accommodation. They advised that they “would very much welcome the progress of that provision, because the sooner we can do that and no longer have to keep children in custody, the better. We would welcome that.” They acknowledged that progress would require a multi-departmental approach and was likely to be some way off being achieved.
134. The PSNI also highlighted some practical outworkings that would need to be considered, including whether to waken a child in the middle of the night when bail has come through in order to transfer them to the accommodation, or who is responsible for transferring a child to that accommodation.
135. In both written and oral evidence, the Department acknowledged the frustrations expressed on this issue. However, it cautioned that the commencement of the provisions while there remained a lack of suitable accommodation would be “setting them up to fail.” The Department also reiterated that responsibility for accommodation rests with the Department of Health under the Children (Northern Ireland) Order 1995 and it would not wish to impose a statutory burden on another Department.
136. The Committee explored the possibility of tabling an amendment to include a timescale within which the provisions in Clause 8 must be commenced, and sought the views of Departmental officials during an oral evidence session on 12 February 2026. The officials outlined concerns that they may not be able to deliver on any timescale included in the Bill, and could therefore technically be in breach of legislation should accommodation still not be available by then. The officials also reiterated that the Department of Justice was limited in how it could move this forward, and that the solution lay largely with the Department of Health.
137. Having considered the information provided by the Department, and recognising the dangers posed by commencing the provisions before adequate suitable accommodation is available, the Committee agreed not to proceed with an amendment to impose a timescale within which the provisions must be

commenced. However, **the Committee remains deeply concerned about the potential impact that the non-commencement of the provisions could have on children who would otherwise be released on bail. The Committee urges the Minister of Justice and the Minister of Health to work together and take all necessary steps to commence these important provisions at the earliest opportunity.**

Clause 9 – Place of detention following sentencing

138. This clause provides that any child under the age of 18 years old sentenced to imprisonment or detention will be detailed in juvenile justice centre (JJC).
139. This clause was broadly supported by those who responded on it.
140. Participants at the grassroots roundtable event suggested that the name of the JJC could be changed to something with less negative connotations, such as the Children’s Justice Centre. They also suggested there should be a tailored approach to admission to the JJC, depending on circumstances of the individual.
141. CiNI questioned whether the Clause as drafted left the option open for children to be placed in custody with adults in any setting including police custody and, if so, should be amended to clarify that is no longer an option. CiNI stated that, should the JJC reach capacity and could not accommodate a child, the Department and YJA should work with the Department of Health to provide alternative secure accommodation that is safe and child-appropriate.
142. The Department recognised these concerns given that a significant number of children can be held each year at the JJC; however, to remove it as a place of safety would be tying the hands of police, who often spend considerable time trying to source alternative accommodation in the community to enable bail to be granted, rather than holding a child in custody overnight. The Department hopes that as and when there is increased availability of suitable accommodation in the community, the numbers of children being held at the JJC will decrease.

143. BASW commented on the need for discretion around a child being transferred to the Young Offenders Centre (YOC) when they are 18 if the period of their sentence would be due to expire shortly after this age change. Such a move could have a detrimental effect on work completed with the JJC in preparation for release. The Department confirmed that the provisions within the Criminal Justice (Children) (Northern Ireland) Order 1998 allow the YJA discretion in this matter and this will be based on an assessment of the individuals circumstances, though highlighted that no child can be held in JJC beyond the point where they turn 18 years and six months old.
144. While Members explored the transition between the JJC and a Young Offenders Centre with witnesses, the Committee indicated that it was broadly content with the intent and purpose of the clause

Clause 10 – Powers to sentence child to detention: amendment

145. Clause 10 amends existing provisions in Article 45 of the Criminal Justice (Children) Northern Ireland) Order 1998 and Articles 13 and 14 of the Criminal Justice (Northern Ireland) Order 2008. It ensures that children serving custodial sentences for certain grave crimes, life sentence offences and serious or violent sexual offences are always held in a JJC, and restates the law as to where those over the age of 18 can be held.
146. There were no comments, concerns or points of clarification raised in relation to this Clause.

Clause 11 – Powers to sentence child to detention: removal

147. This Clause raises the age of referral to a young offenders centre from 16 to 18, removes juvenile justice centre orders, which are being replaced in their entirety, and omits the section in the Justice (Northern Ireland) Act 2002 relating to custody care orders.
148. As with in Clause 9, BASW commented that it would be necessary to explore the arrangements that will determine when a child is to be moved to a young

offenders centre following their eighteenth birthday, with allowances made in cases where the young person is due for release within a short period of time after turning 18.

149. CLC highlighted the need for the legislative underpinning in the Bill for the separation of children and adults in custodial settings on sentencing, remand and detention to be replicated in police custody settings. It recommended that an amendment should be brought forward to achieve this. The Department responded by stating it is aware that the PSNI's current practice is to hold children separately from adults in police custody wherever that is practical and possible. However, to legislate to ensure this is always the case would place undue pressure on police resources and potentially mean that children would have to be transferred away from local facilities in order to comply. In view of this, the Department did not believe such an amendment to be appropriate.
150. Other than these comments, the Clause was broadly supported by respondents and the Committee did not raise any specific concerns.

Clause 12 – Youth custody and supervision orders

151. Clause 12 introduces a new Youth Custody and Supervision Order (YCSO) . It sets out when a court can sentence a child aged 14 or older to a YCSO; provides the rules on the duration of the YCSO including the split between custody and supervision; deals with the practicalities of taking a child to a JJC; sets out how the supervision element will operate; makes provision for dealing with breaches; prevents more than one YCSO at any one time; and sets out how a court should deal with the situation whereby it intends to impose a custodial sentence on someone already serving a YCSO.
152. Respondents were broadly supportive of the introduction of the new orders, with some commenting that they would align with the Department's Strategic Framework for Youth Justice 2022-2027 and the idea of promoting custody as a measure of last resort.
153. CLC queried if the imposition of a minimum sentence duration for the new order was contradictory to Article 37(b) of the United Nations Convention on the Rights of the Child (UNCRC) , which provides that detention should only be for

the shortest time possible and a measure of last resort. The Department stated that it recognised this concern, but its position is that this new order should reflect the current provision where the minimum order is six months, with a current minimum of three months in custody, as this would provide for “short, sharp, shock” sentencing while balancing out the need for custody as a measure of last resort.

154. In her submission, the Lady Chief Justice (LCJ) advised that it is of some concern that a child under the age of 14 could not be made subject to a YCSO, which may lead to an increase in non-compliance once it is established that a court does not have the power to impose a custodial order. The LCJ also considered the new YCSOs may have the potential for offenders of different ages being brought before the courts on the same offences but having different outcomes. She also cautioned that there was the potential for older parties to coerce under 14s to act for them if they were not at risk of detention.
155. In its response, the Department advised that children age 13 and under are being removed as custody should not be used for this age group for anything other than very serious offences, which would be in line with international children’s rights standards and obligations under the UNCRC. While recognising the concerns regarding outcomes being age-dependent, the Department advised this has and always will be a position in law. The concerns about potential coercion and exploitation of younger children was also recognised; however the Department believes that setting a lower age limit could potentially draw more children into custody.
156. During the call for evidence, several respondents indicated that while they welcomed the introduction of the new YCSOs, they felt they needed to be monitored to measure their effectiveness and use.
157. During deliberations, Members discussed an amendment to insert a new clause into the Bill to provide for the review of the operation and effectiveness of the new YCSOs. Having identified a number of elements to be incorporated within the scope of the amendment, the Committee wrote to the Department providing a high level outline of matters to be included and to ask if the Minister would bring such an amendment forward at Consideration Stage.

158. In its response, the Department advised that the new YCSOs will be captured in existing YJA workload statistics which are published on an annual basis, though not in the level of detail suggested by the Committee. The Department advised of the risk that, due to the small number of children serving custodial orders each year, the level of detail proposed by the Committee could result in individuals being identified.
159. Having considered the Department's response, the Committee agreed not to proceed with a Committee amendment if the reporting is already in place. The Committee will consider the annual YJA statistics as part of its ongoing scrutiny role.

Clause 13 – Place of Detention following remand in custody

160. Clause 13 provides that a child remanded or committed to custody by a court must be held in a JJC .
161. This clause was broadly supported by those who responded on it, though similar concerns apply as with earlier clauses with regard to the transitional arrangements for moving from JJC to a young offenders centre when a young person turns 18 and the lack of suitable bail accommodation.
162. CLC expressed an issue with the inclusion of new Article 10J, Paragraph (4) which they suggested seems to indicate that the Article will not apply where a court considers it appropriate to remand a child to customs detention under section 152 of the Criminal Justice Act 1988. The Department responded by stating that the interpretation and advice provided by OLC differs to CLC's understanding. The Department considered that the exception noted under Section 152 of the Criminal Justice Act 1988 should be included to ensure that it was not amending or affecting UK legislation on a reserved matter as a consequence of our provisions in the Bill.

As with earlier clauses, the Committee discussed the transition between facilities with witnesses, though was broadly content with the provisions.

Clause 14 - Remand in custody exceeding three months

163. Clause 14 inserts new Article 10K into the Criminal Justice (Children) (Northern Ireland) Order 1998. It requires that, when considering remanding a child in custody with a result that they will be remanded for a period exceeding three months, the court will take account of the likely sentence that an offence will attract and whether the remand time already serviced would likely exceed the custodial part of a sentence, and that reasons for doing so will be given in open court.
164. The clause was largely unopposed, though received some comments.
165. CLC expressed concern that a child could be on remand for longer than the period of any sentence that might be imposed and suggested strengthening the clause to include provision that “the court must ensure the extent to which the total period for which the child is remanded in custody must not exceed the likely period of any custodial sentence.” While understanding why CLC might want to strengthen the clause, the Department advised such a change would essentially be asking a court to pre-empt what length of sentence might be given on a finding of guilt before a contest is heard, and that the inclusion of the work ‘ensure’ would be too binding on the court.
166. NICCY recommended that the court be required to provide any information on sentencing in an appropriate and accessible manner to ensure the child’s full understanding of the process.
167. The Department responded by stating that the bail and remand provisions in the Bill include a requirement for courts to provide reasons for not only remanding a child in custody for more than three months but also for any remand in custody (Clause 6). The Department also pointed out that Article 10I(3) inserted by Clause 6 requires that courts must use language appropriate to the age, maturity and understanding of the child. Any guidance, including that for the judiciary, will emphasise that point.

Clause 15 – Consideration of time spent on remand in custody

168. This Clause deals with consideration being given to time spent on remand in custody prior to sentencing a child for any offence. The Children’s Law Centre welcomed the provision to consider any period for which a child has already spent remanded in custody for an offence in the context of the court deciding whether to impose a sentence following a finding of guilt. It questioned if the clause should be amended to required not only that a period on remand should be considered, but that it should explicitly be taken into account.
169. This Clause was broadly supported by all those who commented on this part of the Bill. The Committee did not indicate any concerns..

Clause 16 – Place of detention in custody for contempt of court

170. This Clause provides that any child detained in custody for contempt of court is held in a JJC.
171. This clause did not generate any specific comments from the call for evidence and was supported by those who did look at this section of the Bill.
172. Similarly, the Committee did not express any particular concerns with this clause and was broadly supportive of its intent.

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

173. This Clause raises the age for committal or remand in a young offenders centre from 16 to 18 and removes the power to detain a child on remand solely for the purposes of obtaining information about them.

174. This clause did not generate any specific comments from the call for evidence and was supported by those who did look at this section of the Bill. Similarly, the Committee did not express any particular concerns and was broadly supportive of its intent.

Clause 18 – Minor and consequential amendments

175. This clause introduces Schedule 4, which makes consequential amendments relating to children’s bail, and minor and consequential amendments relating to the custody of children on sentencing, remand and committal. It did not generate any comments or concerns during the call for evidence and the Committee did not have any concerns during its consideration of the clause.

Clause 19 – Transitional provisions and savings: custody of children

176. This clause relates to transitional provisions and savings in respect of clauses 9 to 17, clause 18(b) and Part 2 of Schedule 4. It did not generate any comments or concerns in response to the call for evidence or during Committee consideration.

Part 3 – Use of Live links

Clause 20 – Interviews; and Clause 21 – Detention

177. Clause 20 amends PACE NI to enable remote interviewing using live link so that a police officer can interview a suspect from a different location and places a duty on an officer conducting an interview via a live link to have the same duty as an officer present in person. Clause 21 makes provision for the use of live links for the purpose of extending the period of pre-charge detention.

178. Key concerns raised with regard to the provisions centred around the need for protections and safeguards around the use of live links, particularly for children and vulnerable people, to ensure that they fully understand, consent to and can participate in proceedings.

179. The Law Society stated that codes of practice will need to be updated to reflect any new procedures, and that it was important that access to documents and information must be available for remote participants to ensure equal access to justice was maintained. The Department advised that it will be necessary to update certain PACE Codes to support the operation of the new provisions, and that a public consultation will be required on the Code amendments.
180. The ICO stressed the need to ensure data protection considerations have been applied to the live link technology and that individuals understand how their information is being used. In response, the Department advised that assurances had been received that the Chief Constable is satisfied that the PSNI has taken steps to ensure a secure IT solution across the PSNI Estate to facilitate the live link function. The Department also advised that further safeguards will be included in the PACE codes and Data Protection Impact Assessment will be completed as part of the consultation process, which the Department will work with the ICO on.
181. Members also questioned the PSNI on confidentiality and security of the system. In respect of confidentiality, the PSNI advised that live links will be governed by the same standard as other interviews are governed. They also advised that, following a risk assessment, the system has been signed off by the Chief Constable as being a secure system for the use of live links.
182. NICCY questioned how the use of live links would balance with children and young people's rights and how the interests of justice test will be considered. They stressed the need for safeguards to ensure that children and young people fully understand and are involved in proceedings which affect them. They also stated that they would support the monitoring of the increased use of live links on vulnerable people, notably children and young people.
183. VOYPIC stated that the use of live links should not undermine a child's right to a fair trial and that children must always be supported to meaningfully participate in proceedings and be able to make an informed choice about the most appropriate method for that.
184. The Royal College of Speech and Language Therapists (RCSLT) said that active consideration must be made to those with speech, language and

communication needs who are being interviewed as the use of a video link may cause additional barriers for some. They said it is therefore important that steps are taken to ensure all interviews take account of the communication needs of the interviewee and provide the necessary accommodations

185. The Northern Ireland Policing Board supported and recognised the need for change and the positive impact that the introduction of live links could have in the criminal justice system. The Board also recognised that there are some concerns, including the right for a detainee to continue to be able to be advised and consult with their legal representative in private, and the need to ensure consent and that an individual has full understanding of what they are consenting to and to be able to participate effectively.
186. the NIHRC also agreed that the use of live links should be monitored so that it does not become the norm and to ensure that it is not used inappropriately.
187. The Department confirmed that this will not be “live-links by default” and the provisions are not a replacement to in-person attendance.
188. The Department advised of its view that there is sufficient detail in the provisions to protect the best interests of the child. It pointed out that there would be a mandatory requirement for a custody officer to consider if the use of the live link would be appropriate, which would include consideration of whether it is in the best interests of a child, and must also be made in a manner that is compliant with Section 6 of the Human Rights Act. The Department also added that new Article 46ZB included a further mandatory requirement to ensure that is not contrary to the interest of justice, the test for which “is wide ranging and must take account of any judgment, decision, declaration or advisory opinion of the European Court of Human Rights.”
189. In respect of the assertions that the use of live links should be monitored, the Department advised that it does not currently have any mechanism to monitor the use of live links across the justice system. The NICTS can provide data regarding the number of live link connections made in court settings.¹³ The

¹³ The Coronavirus Act 2020 included provisions for the use of in courts and tribunals in Northern Ireland which were due to expire after two years. Using delegated powers in the Act, the provisions have been repeatedly extended to ensure their continued use. The Minister

Department advised that the use of live links in police detention under the provisions of the Bill will be an operational matter for the Chief Constable, and that monitoring of the use of live links will be conducted through existing policing oversight arrangements, including the Policing Board, Criminal Justice Inspection Northern Ireland (CJINI) and HM Inspectorate of Police, Fire and Rescue Services (HMICFRS).

190. In their deliberations on the provisions, Members indicated that they were content with live links in police custody but considered there would be a need for monitoring and review to ensure that the provisions were operating effectively and that individuals' rights were safeguarded. The Committee therefore asked if the Minister would consider tabling an amendment to provide for a review of the live links provisions in the Bill, providing a draft amendment prepared by the Bill Clerk for consideration.
191. In response, the Department advised that the Minister recognised that there may be benefits in carrying out such a review, but that the police would already have internal governance arrangements and existing routes to monitor or review the use of live links. The Department confirmed that the Minister would not bring forward an amendment, but if the Committee decided to proceed with its draft amendment, the Department asked that it should require the Department to appoint a suitable person rather than conduct the review itself.
192. At the meeting on 12 March, the Committee agreed to table an amendment to introduce a new clause after Clause 21 to introduce a review clause to report on the effectiveness of the operation of live links in police custody settings, as follows:

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-

proposes to make primary legislative provision for the use of live links in courts and tribunals via amendment to the Justice Bill. The proposed amendment is considered later in this report.

- (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.

Part 4 – Administration of Justice

Clause 22 – Delegation of functions of the Policing Board

193. This Clause provides the Northern Ireland Policing Board (NIPB) with the power to delegate functions of the Board to officials, in response to the judgment in the case of *McKee and Others v Charity Commission NI*¹⁴.
194. There was limited response to this Clause in the call for evidence. Aside from one person questioning the need for the Policing Board, the only commentary came from the NIPB itself.
195. In evidence provided to the Committee, the NIPB welcomed Clause 22, which provides clarity after the ruling mentioned above. The Committee was advised that the clause will be backed up by a scheme of delegations for operational use, which was still being developed. The NIPB highlighted, where there is a fully constituted Board, it is likely that delegation to officials will be extremely limited and, where there is delegation, it will be limited to particular functions.
196. Members indicated no concerns with the Clause.

Clause 23 – Removal of requirement to audit performance plans etc

197. This Clause relates to the removal of the requirement for the Comptroller and Auditor General (C&AG) to audit performance plans and the performance summary in respect of the NIPB.
198. The only substantive comments were again from the NIPB, who were content with the provisions. The NIPB outlined that this would bring the procedures in line with those currently operating in England and Wales. It will remove duplication from the system as the Audit Office already examine the Board's annual reports and accounts and HMICFRS inspects operational effectiveness and efficiency.

¹⁴ [McKee and Others v Charity Commission NI](#)

199. The Committee did not raise any concerns with this Clause.

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

200. This Clause makes amendments to existing legislation relating to conspiracy to commit offences outside Northern Ireland to provide that the consent of the Advocate General for Northern Ireland is required when instituting criminal proceedings in Northern Ireland.

201. This Clause did not generate any responses via the call for evidence and no concerns were raised by the Committee.

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

202. This clause will close a gap in the law by amending section 7 of the Domestic Violence, Crime and Victims Act 2004 so that, where a defendant is charged within the same proceedings with an offence under section 5 of that Act (causing or allowing a child or vulnerable adult to die) and also with murder or manslaughter in relation to the same death, a judge can enter a “No Bill” on a charge such as murder or manslaughter only if the judge also enters a “No Bill” on the related charge under section 5.

203. In written and oral evidence, the National Society for the Prevention of Cruelty to Children (NSPCC), the Commissioner Designate for Victims of Crime and the Bar of Northern Ireland all indicated support for the Clause. Victim Support NI suggested it may have the potential to increase justice for victims and their families by holding offenders accountable for the full extent of their actions. SBNI stated that it would ensure consistency in legal decisions and prevent situations where a serious charge was dismissed while a related charge remained, thus ensuring a coherent approach. It believed that this “strengthens the protection of vulnerable individuals, including children and young people. It ensures that all aspects of their harm or death are considered together, reflecting the severity and interconnected nature of these offences.”

204. The Law Society noted that a potential concern could arise when direct committal comes into operation, as questions and issues can usually be raised at the committal stage.
205. The Department confirmed that the Law Society and the Bar of Northern Ireland had been consulted on the proposed changes, and that it planned to engage further with both organisations on this matter.

Clause 26 – Examination in criminal proceedings through intermediary

206. This Clause relates to the power to extend the use of Registered Intermediaries (RIs) beyond the Magistrates and Crown Court to the County Court and Court of Appeal, in order to provide vulnerable defendants with communication difficulties the support they need to participate in court.
207. This Clause was broadly supported in written and oral evidence, including by the Probation Board, the Bar of Northern Ireland and NICCY.
208. The Bar noted that the provisions would give defendants the ability to participate more effectively in court proceedings by assisting them in understanding and responding to questions during the trial. NICCY noted that the provisions will address a gap to enable the service provided by RIs in the lower courts to be extended to higher courts without having to rely on court powers or judicial discretion to provide for this, pointing out that, historically, the most common vulnerabilities giving rise to the need for an RI related to young age, learning disability and Autism Spectrum Disorder (ASD).

Clause 27 – Legal aid charges to be registrable in the statutory charges register

209. This Clause allows the Legal Services Agency to register certain charges against property on the Statutory Charges Register.
210. The only comments on this clause came from the Law Society. They had no objection to the principle of the clause, but stated they were unclear if this was an alternative to existing proceedings or would be used alongside the current arrangements and raised some other points for clarification.

211. The Committee sought clarification from the Department on this issue. The Department advised that the new procedure will ensure that all interested parties know where the charges should be registered and will be able to check in one place for the existence of a charge. In combination with additional communications regarding the introduction of the new process, that should ensure some degree of additional transparency for the statutory charge.

Clause 28 – Restriction on ordering taxation of legal aid costs

212. This clause sought to preclude the High Court and Court of Appeal from granting orders for taxation of legal aid. The EFM states that the amendment to the Judicature (Northern Ireland) Act 1978

“will allow for the reform of the taxation of legal aid costs, the basic principle being that if the Department is paying, then the Department determines the amount.”

213. The Committee heard initial evidence from officials on the purpose and intent of this clause in September 2024 following the introduction of the Bill. The officials explained that the driver for this change had come from a Public Accounts Committee report from 2016 which recommended bringing the taxation process under greater Departmental control, in order to make the spending more accountable.

214. The Commissioner Designate for Victims of Crime (CVOCNI) advised in her oral evidence that she felt Clause 28 is an important step in the reform of the legal aid system, stating that the “current model is unsustainable”. She added, “what victims need is a legal aid system that provides fair remuneration of the legal profession and is sustainable.”

215. This Clause generated lengthy and detailed responses from the Bar of Northern Ireland, who were opposed to the provisions, and the Law Society, who also advised of major concerns.

216. The Bar felt that the Clause sought to restrict the independence of the Taxing Master, who is already legally bound to protect the legal aid fund, describing it in oral evidence as “a direct attack on the independence of the Taxing Master

as an independent judicial officer holder performing a judicial function.” The Bar also suggested that it could discourage lawyers from acting in legally aided cases if they could act in non-legally aided cases where the taxation of costs would remain available, which would result in a two-tier system of access to justice.

217. The Bar described the provisions as a “disjointed and incoherent approach to reform” which was being introduced at a time when a separate review of taxation was at an early stage. They pointed out that the Assembly was being asked to vote on a principle only as it remained completely unclear what alternative measures would be introduced. .
218. The Law Society also expressed concern that this clause aimed to remove the role of the court, which would have significant impact on the independence and fairness of the taxation process. They also failed to see how the proposed change would improve accountability and predictability over legal aid fees in relation to the fees of solicitors.
219. The Law Society then provided oral evidence to the Committee and stated that the clause
- “appears to be an attempt to restrict or remove the role of the taxing master in legal aid cases. That would be a significant departure from current practice...The taxing master is an independent judicial officeholder who is subject to standards and court rules and is ultimately accountable to the Lady Chief Justice. Restricting or removing that role would reduce judicial oversight and undermine the fairness and independence of the process.”
220. The Department advised that it was not anticipated that changes caused by Clause 28 and wider legal aid taxation reform will negatively impact access to justice for citizens. Clause 28 and the restriction on the ordering of taxation of legal aid costs will only commence when alternative remuneration orders to be made by delegated legislation are in place, and these will be subject to consultation and scrutiny. With regards to a review mechanism for any new remuneration framework, the Department advised that it anticipates that the Taxing Master will have an adjudication role in respect of requests for

redetermination of decisions made under the framework as is currently the case with regards to criminal remuneration in the Crown Court.

221. In March 2025, the Committee wrote to the Lady Chief Justice to seek further information about the role of the Taxing Master and how the proposed legislation might impact on the functions of the Taxing Master. In her reply, the LCJ stated that the judiciary do not comment on policy matters beyond the operational aspects and their impact on the courts but provided an overview of the role of the Taxing Master.
222. The Committee took oral evidence from Departmental officials on the Enabling Access to Justice programme, including taxation reform, on 20 November 2025. While ostensibly part of the Committee's normal policy scrutiny programme, taxation reform was inevitably considered in the context of the Bill.
223. The Committee was informed that the initial intention had been to have a phased approach to taxation reform. However, a recent increase to solicitors' hourly rate and counsels' interlocutory fees, which potentially created an unfunded pressure of £7million, meant that the Department proposed to expedite reform by setting legal aid fees/rates and arrangements for the Taxing Master to apply when assessing legal aid bill. In order to do this, the Department proposed to table a further amendment at Consideration Stage.
224. The Committee took oral evidence from the Lady Chief Justice and the Taxing Master in the Royal Courts of Justice on 22 January 2026. They provided evidence on the role of the Taxing Master and what they believed the impact of taxation reform may be on the role.
225. It became clear to Members that there was a lack of clarity around whether the amendment that the Department had advised would be brought in respect of taxation reform would amend Clause 28 or if it would be new, standalone provision.
226. On 9 February, the Department wrote to clarify that the new amendment would seek to expedite reform by setting legal aid rates and arrangements for all proceeding types, whilst retaining the Taxing Master in an assessment role. The Committee was informed that the provisions at Clause 28 did not align with the

new policy direction, and the intention was therefore that Clause 28 would be removed from the Bill.

227. Having considered all the evidence received, the Committee agreed that it was not content with Clause 28 as drafted. The Committee noted the Minister's intention that Clause 28 would not stand part of the Bill and that an amendment to make other provision for taxation reform would be tabled at Consideration Stage. However, the text of the amendment was only received on 3 March which did not afford the Committee time to consider it in detail.

Clause 29 – Automatic review of certain criminal records certificates

228. Clause 29 provides that all certificates containing non-court disposals or spent convictions for offences that occurred when a person was under 18 can be automatically considered by the Independent Reviewer.
229. Overall, the Clause was broadly supported by those who responded, though some felt that it did not go far enough.
230. The CVOONI and the NIHRC sought to ensure that information should be provided to applicants and potential applicants on the right to apply for this review and the means of applying. The Department responded by stating that the clause provides for the automatic review of non-court disposals awarded when the individual was under 18. This review is built into the disclosure process and will be undertaken before the disclosure certificate is issued, and there is therefore no need for the individual to apply for this review.
231. Victim Support NI contended that a genuine effort should be made to gather victims' views in this process, and that the challenge would be ensuring that disclosures are balanced to maximise victim protection while allowing for fair treatment of offenders. The NSPCC stressed that a process should be in place to allow for the retention of information in cases where there are safeguarding risks. The Department stressed that fundamental principle for the Independent Reviewer, in considering matters for removal from a disclosure certificate is that information must not be removed if it is considered that it might pose a risk to safeguarding or public protection.

232. NICCY asked for clarification as to why the Department did not proceed with Recommendation 21 of the Youth Justice Review, which suggests that young offenders should be able to apply for a “clean slate” when they reach 18 and that diversionary disposals do not attract a criminal record or become subject to disclosure.
233. The Department responded by saying that Clause 29 has a single and narrow purpose in seeking to extend the role of the Independent Reviewer (IR) of Criminal Records Certificates to include the review of all Youth Non-Court Disposals (NCDs). The Department considered that the other recommendations from NICCY in relation to Clause 29 go beyond the narrow and immediate policy matter the Department is seeking to address with this clause and are therefore outside the scope of the content of this Justice Bill.
234. Some of those who responded via Citizen Space also considered that measures did not go far enough to provide for a “clean slate” at 18 years old and would not align with the process in England and Wales, where out of court disposals for under 18s are not automatically disclosed. In its response, the Department pointed out that

“In the annual report for 2024/25 the Independent Reviewer (IR) reported that, of the 168 youth non court disposal cases referred, information was removed in 166 instances, with information retained on 2 cases (1.2%). The IR commented, ‘In the 2 cases where I retained information, it was my view that the offences were relevant given their gravity and recency. It was therefore my view that disclosure was necessary and proportionate, in order to ensure that the safeguarding of children and vulnerable groups was not compromised unnecessarily.’

The Department considers that this role of the IR is essential in striking a proportionate balance in the treatment of youth non-court disposals in the AccessNI disclosure process.”

Clause 30 – Security at buildings used for courts and tribunals etc

235. Clause 30 relates to providing for security equivalent to those for official courts and tribunal buildings to other places used for hearings in a courts or tribunal setting.
236. Comments were received from one individual who supported the clause, but raised a concern about the need to ensure separate entrances for victims and witnesses to that for the accused.
237. In response, the Department referred to existing remote evidence centres and advised that accommodation is provided in the courthouses for Victim Support NI and the NSPCC. The Department also advised that facilities for victims and witnesses would be considered as part of the NICTS Estate Strategy. NICTS had undertaken a survey on court buildings and facilities which also included facilities for victims and witnesses and had engaged with Young Witness Service and Victim Support NI on the specific needs of victims and witnesses. Future changes may be constrained, however, by the age and layout of buildings and the availability of funding.

Part 5 – Final provisions

Clause 31 – Further provision

238. Clause 31 provides further provisions in relation to the powers of the Department of Justice to alter any or all parts of the act.
239. As noted earlier in this report, during consideration of the delegated powers within the Bill, the Committee asked the Department to amend the Assembly control power for the rule making power at 63E(11) in Clause 1 from the negative procedure to the draft affirmative procedure. The Department agreed to make this amendment at Consideration Stage.
240. The Committee also pointed out the absence of an Assembly procedure for the rule-making power at Clause 3(10). The Department has undertaken to fix this omission via an amendment at Consideration Stage.

Clause 32 - Interpretation

241. This Clause deals with interpretation of the act as effected by section 1(f) of the Interpretation Act (Northern Ireland) 1954. It did not generate any feedback from the call for evidence and raised no concerns for the Committee.

Clause 33 - Commencement

242. As detailed under Clause 1, the Committee was not content with the absence of a timeframe for the commencement of Part 1 and agreed to table the following amendment to Clause 33 to commence the provisions within five 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.’

Clause 34 – Short title

243. The Committee indicated it was content with the short title and this clause did not generate any views in response to the call for evidence.

Consideration of Planned Ministerial Amendments

244. As noted previously, the Committee was informed at the outset of the Minister’s intention to bring several amendments at Consideration Stage to make provision in respect of additional policy areas.

245. The Department wrote to the Committee on 13 September 2024 confirming that amendments would cover the following matters:

- Restorative Justice
- Rehabilitation periods in the Rehabilitation of Offenders (NI) Order
- Live Links for courts and tribunals
- AccessNI filtering (Matters to be included in criminal record certificates)
- Serious organised crime
- Repeal of vagrancy legislation (Repeal of public order offences)

246. The correspondence advised that drafting of the additional provisions was underway and the text of all amendments was expected to be available to share with the Committee by the end of the year, though some would likely be available before then.

247. The Committee was further advised during oral evidence on 26 September, following the Bill's introduction, of the need for further amendments to the Biometrics provisions, following "stress testing" of the provisions with the PSNI.

248. At the meeting on 14 November 2024, the Committee agreed to issue the call for evidence on the Bill in the New Year, when the text of all the planned amendments was available. Following receipt of the text of the final planned amendment on 31 January 2025, the call for evidence opened on 7 February.

Biometrics Amendment

249. As noted previously in this report, the Committee was advised that it became apparent after stress testing with operational partners that amendments would be required to the biometric provisions included in the Bill as introduced. The proposed Biometrics amendment makes amendments to Clause 1, Clause 3, and Schedule 2. The amendment also introduces two new clauses and one new schedule which provided the police with powers to photograph certain persons at a police station and the powers to specify a time and date for attendance at a station for the purpose of taking fingerprints.

250. CVOONI queried how the treating of photographs as potential biometric data might interact with the release of custody images and asked if this could prevent the release of such images. In response, the Department stated that the release of custody photographs is a matter for the PSNI but that the Chief Constable

had advised the NI Policing Board on 5 September 2024 that the PSNI would consider releasing post-conviction images in the future and that a working group has been established to develop the actual processes that will govern the release of images.

251. Other questions were raised about photographs and whether they should be treated as biometric data, which has been dealt with earlier in this report under Clause 1.
252. BASW opposed the amendment on the grounds that the new article 63P would provide for a 5-year retention period for any person completing a community based restorative justice scheme (CBRJ) for an offence that occurred while they were under 18 years old. BASW believed this to be disproportionate, particularly for a first offence. The Department advised that CBRJs are considered to be on a similar level to a caution and it was therefore its view that it should attract the same retention period as a caution.
253. The former Biometrics and Surveillance Camera Commissioner for England and Wales felt that an opportunity was missed in the amendment to require attendance a police station for the purpose of taking fingerprints etc., and that consideration should have been given as to whether these biometric processes might also be undertaken at places other than police stations in the future, which he viewed as more flexible and less susceptible to description by unforeseen events. His views were noted by the Department.
254. During oral evidence, the Committee sought clarification from the PSNI about whether failure to turn up at a specified date and time to have biometric material would be an offence in its own right. The PSNI advised that it was their interpretation that failure to turn up to provide fingerprints and DNA is not an offence. They advised that the level of flexibility that will be afforded to an individual will depend on the operational environment and resources available, and that work was ongoing to determine how the provisions will work in practice.

Restorative Justice Amendment

255. The planned Restorative Justice amendment will insert one new clause into the Bill and make minor amendments to Clause 1. The purpose of the amendment is to transfer legislative powers from the Secretary of State to the Minister of Justice to allow the Minister to take decisions around accreditation and widen the provision of restorative justice by allowing non-statutory organisations and independent practitioners to become accredited.
256. Many of the questions raised in the response to the call for evidence related to the practical aspects of the operation of the provisions and the pace and manner of their planned roll out. These reflect questions raised by Members in their consideration of the new arrangements for the expansion of adult restorative justice and the new standards and accreditation process.
257. The Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) asked that consideration be given to ensuring the consistency in access to restorative justice to prevent disparities across regions. Concerns were also raised in the oral evidence from Community Restorative Justice (Ireland) (CRJI) and Northern Ireland Alternatives on the initial locations chosen for the roll out of the expanded services. The Committee sought information on the rationale for the locations chosen and if they would have any impact on existing restorative justice infrastructure. In response, the Department advised that it would not be viable to initially move into areas with little or no current provision and where future levels of accreditation were unknown at this time. however, the locations will be kept under review and services further expanded as soon as practically possible. The Department also should advise that it should strengthen existing provision and raise the profile of restorative justice, rather than having a negative impact.
258. NIACRO also highlighted the need to ensure practitioners had access to appropriate training to ensure services were delivered safely and to a high quality. The Department stated that it has sourced and funded a range of restorative justice training courses that have been delivered across statutory organisations but those applying for accreditation are expected to have undertaken an appropriate level of training based on the level of accreditation they are applying for. The Department further advised that intensive training will

be undertaken with those accredited and practicing in the hub, focusing on preparation and facilitation skills, recording and report writing to ensure consistency.

259. The NIHRC questioned whether the Probation Board would be included as a potential provider under these provisions and if this could present a potential conflict of interest given their status as a non-departmental public body. They also sought further information on the training and referral systems and the structure of the Restorative Justice Panel and who would sit on it.
260. The Department advised that the accreditation process does not apply to statutory justice organisations, including the Probation Board for Northern Ireland (PBNI), meaning that there is no conflict of interest, but confirmed that any staff within justice agencies who are delivering restorative interventions must be trained to an appropriate standard, as agreed with the Interim Protocol Lead. The Department also advised of its intention to replicate a three-person panel to that which was previously in place, with included a representative from both PBNI and YJA sitting alongside an independent chair with relevant experience.
261. NIHRC also questioned if there would be set timescales for review by CJINI, particularly for newly-accredited organisations who may benefit from early and/or regular reviews. In response, the Department advised that the timing and frequency of inspections would be a matter for CJINI to consider as part of its wider programme of work.
262. NICCY, while welcoming the amendment, asked what specific role CJINI will have in the accreditation of schemes, if any, of if this decision making will rest solely in the Department of Justice and the Interim Protocol Lead.
263. Northern Ireland Alternatives (NIA) and Community Restorative Justice Ireland (CRJI) called for clarity on the rationale to remove CJINI's pre-accreditation inspection role. They advised of their view that an external body, absent of political guidance, would create a required checks and balance approach which would safeguard both the Department and community-based providers.

264. In response, the Department stated that CJINI are of the view that it is more appropriate that they review and assess the work of practitioners and organisations once operating, rather than through a one-off pre-accreditation check of an organisation's processes. Going forward, and to allow time for the process to become embedded, an initial inspection may potentially commence around the second half of year two. It is envisaged that each accredited organisation would then be inspected during any three-year term of accreditation.
265. Committee Members have indicated that they are concerned that CJINI will not undertake pre-accreditation checks of organisations or individuals wishing to deliver restorative justice services. The Committee has therefore sought CJINI's view on a potential amendment to require CJINI to complete pre-accreditation inspections.
266. The Committee there reserved its position on tabling such an amendment and will consider the matter further once the response from CJINI has been received and the Ministerial amendment has been formally tabled.
267. The Committee was otherwise content with the restorative justice amendment.

Rehabilitation of Offenders Amendment

268. This amendment seeks to introduce two new clauses which will amend the Rehabilitation of Offenders (Northern Ireland) Order 1978 to amend the rehabilitation periods for existing convictions and to allow more convictions capable of becoming spent. They also create an order making power to enable the Department to establish a review mechanism for additional convictions not captured by the revised arrangements, which will be subject to the draft affirmative procedure. Clause 33 of the Bill will also be amended to provide that the provisions will come into operation two months after Royal Assent.
269. The main concerns expressed regarding the planned amendment is that the chance to align with the system in England and Wales had been missed, and some respondents wished to ensure that appropriate safeguarding and the balance of public protection versus personal rights was maintained.

270. The CVOCNI asked for clarity as to why the Department had chosen not to make serious sexual, violent and terrorist offences disclosable regardless of the passage of time, as is the case in England and Wales.
271. NIACRO called for an urgent revision of the proposed approach to ensure full alignment with England and Wales where the upper limit had been removed on custodial sentences that remain unspent, which they believe signalled a more progressive approach to rehabilitation. During oral evidence, NIACRO reiterated that they welcome the amendment but felt that it was also missing the opportunity to remove the “bright line” for rehabilitation periods and suggested the Department should be considering rehabilitation being the time of the offence plus seven years, as their evidence shows that if an offender goes seven years without reoffending, they are no more likely to commit an offence than any other non-offender. This would align the policy with that in England and Wales.
272. The Department confirmed that aligning with England and Wales was considered by the Minister but the option chosen was thought to be simpler to operate and understand. The Department said that the approach being taken offers more opportunity for more ex-offenders in Northern Ireland to have their conviction become spent than in England and Wales. The Department pointed out that, while the upper limit of 4 years had been removed in England and Wales, the list of exceptions that could never become spent extended to 174 individual offences.
273. NIACRO and NICCY both sought to ensure there were proper safeguards in place for young people. NICCY recommended that young people should move into adulthood without a criminal record, with the exception of ‘serious crime’ which should be reviewed on a case-by-case basis. They did not support the application of rehabilitation periods to children who had completed diversionary disposals. Completion should be the definite and final closure of the case, and while records could be held for certain purposes, they should not be viewed as criminal convictions or result in criminal records. In response, the Department noted that this would represent a significant new policy and was not an area that the Department is considering at this time.

274. The NIHRC recommended that consideration should be given to amending the proposed Clause 28B to provide that the Department shall make regulations for and in connection with allowing a person on whom a sentence has been imposed in respect of a conviction to apply for an order. NIACRO also called for a review mechanism for those sentenced to more than 10 years.
275. The Department replied by stating that the Supreme Court judgment of 6 March 2025 makes clear that a review mechanism is not required in order for a rehabilitation regime to be considered lawful. While the Department sees merit in developing policy proposals for a potential future review mechanism, progress will be subject to resource availability and other competing policy and legislation requirements for the remainder of the mandate. The Department's priority will be the implementation of the reforms to rehabilitation periods as planned at new Clause 28A.

Live Links for Courts and Tribunals Amendment

276. The planned amendment contain 12 new clauses and two new Schedules to extend the use of live links for remote video access in courts and tribunal settings. It will make primary legislative provision for the provisions being used under powers in the Coronavirus Act 2020, which allowed for the use of video conferencing via live links in certain courts and tribunal settings.
277. This amendment was broadly supported by those who responded to the call for evidence, with a single respondent opposed to the clause due to what they perceived as a lack of credibility and appropriate safeguards for the use of this technology.
278. BASW NI suggested that there should be a wider roll out of the use of video links to enable social workers to participate in hearings remotely from designated regional sites, to increase efficiencies and save resources in both the courts and social work. The Department noted that the provisions propose a statutory presumption for the use of live link when the only party to the application before the court might be a social worker, such as in emergency care proceedings. The Bill includes a power for the Department to specify expert witnesses who would fall within the statutory presumption of remote attendance. The Department also advised the judiciary will be required to “have

regard” to guidance issued by the Lady Chief Justice, the most recent guidance issued in October 2025¹⁵ recognises that remote evidence may be given from social workers, like other professional witnesses.

279. BASW also believed that the need to screen defendants prior to the use of live links would be vital to ensure fair process and guarantee the right to a fair trial under ECHR. The Department noted that there are protections for defendants in place, and it is clear from the LCJ guidance that a defendant is likely to be present in court for the trial.
280. During oral evidence to the Committee, the Lady Chief Justice commented on the use of live links in courts and tribunals when speaking about delays in the criminal justice system, stating that she was supportive of their use and believed they streamlined the system and saved costs. The LCJ had also commented on the amendments in her written submission and stated that “while there are many benefits to the greater deployment of remote court hearings, the use must be tempered with the appropriate application of the interests of justice” and said that “safeguards must be available to maintain the integrity of the court process”.
281. Participants at the roundtable event felt that there were pros and cons to the use of live links in court, and that while it would be good to have the option, it should not be an automatic default. Active consent and best interests of the child should be used to guide the decisions to use live links. Participants advised that there seems to be a presumption that children and young people are more comfortable with live links, but that is not necessarily the case. Some felt video link could be ‘dehumanising’, proceedings were harder to follow and it could be harder to be treated fairly.
282. Similarly, other respondents, while supportive of the use of the technology, expressed concerns about the need for appropriate safeguards to be in place to protect the vulnerable and young people to ensure full understanding and that they can effectively participate in proceedings.

¹⁵ <https://www.judiciaryni.uk/publications/guidance-physical-person-remote-and-hybrid-attendance-20-october-2025>

283. The Department stated that it is satisfied that there are robust safeguards built into the new provisions, as well as in other supporting legislation and guidance relating to young people and the courts to address these concerns. It also advised that the few children who are defendants in a criminal trial will only attend remotely for interlocutory hearings rather than for a trial.
284. As with the live links provisions in the Bill, suggestions were made in the evidence received that the use of live links in courts and tribunals should be monitored and reviewed to ensure their effective operation and make sure they did not become the default position. The Department advised that there is nothing to date to indicate a need to expend resources on monitoring as the provision to attend remotely in a court or a tribunal through the use of live links is not a requirement or replacement to in-person attendance.
285. While content with the planned amendments for live links in the courts and tribunals, the Committee agreed to explore a potential amendment to monitor and review the effectiveness of the provisions. The Department advised that “the use of live links in courts and tribunal settings is already monitored and recorded by court staff and this information is readily available without the need for a formal reporting requirement in legislation.” The Committee has sought clarification on where this information can be accessed and the type of information recorded will inform the Committee’s decision on whether an amendment is needed to provide for a formal reporting requirement.
286. Therefore, while content with the amendments to make primary legislative provision for the use of live links in courts and tribunals, the Committee agreed to reserve its position on whether to bring forward a Committee amendment to monitor and review their operation and effectiveness.

AccessNI Filtering Amendment (Matters to be included in criminal record certificates Amendment)

287. This amendment will introduce two new Clauses which amend the Police Act 1997 and the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979. It aims to streamline arrangements for the maintenance and ease of

understanding of the list of serious and violent offences that cannot be filtered from AccessNI Standard and Enhanced disclosures.

288. Respondents were broadly in favour of the proposed amendment and sought further details on the need to ensure safeguarding and vetting remained in place and also raised concerns about not aligning with England and Wales.
289. CiNI questioned whether the amendment would pose any risks to the safeguarding of children given the vital role AccessNI checks play in vetting people who work with children and the vulnerable. Victim Support NI supported the amendment but had concerns about the impact on victims and a need to ensure greater clarity and transparency in the process.
290. The Department stated that the amendment seeks to represent the list of offences that cannot be filtered from disclosure certificates in a more simplified and user-friendly manner, setting out each offence along with its relevant legislative provision. It advised that the provisions in this clause are designed to provide greater clarity in this complex area of the disclosure process and that the legislative change does not pose any significant risks to the welfare of children.
291. CiNI and NICCY both raised the removal of “Any offence involving injury or threat of injury to another person” from the list, questioning if the change could pose any significant risk to the welfare of children and whether a gap might be created. In response, the Department advised that AccessNI has never found the need to use that entry in order to retain an offence on a disclosure certificate. It is the Department’s view that this entry presents inconsistency from an operational perspective. The explanatory note to the amendment states
- “...this is a wide-ranging entry and is inconsistent with how other offences are required to be treated on the List. For example, a conviction for Common Assault is likely to be as the result of (a minor) injury or threat of injury, and current filtering practice is that such convictions are only retained on disclosure checks if the offence was committed against a person u18. Common Assault is on the current list of offences by virtue of offences in Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968, which stipulates the u18 condition - therein lies the anomaly

with the offence highlighted above, as it is not possible to apply both rules in considering a single offence, i.e. the offence is either filtered or not.”

292. NIACRO, while supporting the amendment, raised the need for greater public awareness of the changes so they don't discriminate against individuals with unspent convictions. They also urged consideration of a strengthened appeal mechanism to allow people to contest disclosure decisions, where appropriate.
293. The Department responded to say that individuals can currently request the Independent Reviewer to consider spent convictions, and that the planned amendment to the Bill in respect of rehabilitation periods will allow individuals to request the Independent Reviewer to consider more recent convictions, which could result in more criminal record information being removed from disclosure certificates. In terms of public awareness, the Department advised that detailed information, including worked examples, is published on the AccessNI pages of the NI Direct website and on the Department's website, which will be reviewed and updated.
294. During consideration of the delegated powers, the Committee questioned why the list of non-filterable offences was not subject to the draft affirmative procedure, as it will amend primary legislation. The Department advised that this would mean that the list could be updated more quickly, and pointed out that any changes would only be made after consultation with relevant bodies, including the Child Protection Unit in the Department of Health, the Protective Disclosure Unit in the PSNI and the Independent Reviewer of Criminal Records. The Committee queried under what circumstances the list would need to be updated quickly and requested examples of where it has been necessary in the past to update the list at speed and these issues were discussed further with AccessNI officials on 2 October 2025. The officials indicated that they would not be resistant to changing the procedure to draft affirmative if that is what the Committee wished.
295. The Committee formally agreed on 6 November to ask the Department to consider an amendment to change the procedure from the negative procedure to the draft affirmative procedure. The Department confirmed on 19 November

that the necessary change would be made to the draft amendment prior to tabling for Consideration Stage.

296. The Committee was otherwise content with the planned amendment.

Serious Organised Crime Amendment

297. The amendment will add three new Clauses and a Schedule to the Bill to define what constitutes an organised crime group and what it means to participate in the activities of an organised crime group, and creates new offences of participating in and of directing the activities of an organised crime group.

298. The amendment was supported by all the respondents who commented on the clauses. The concerns expressed centred around the potential exploitation of children and the vulnerable by organised crime groups.

299. CiNI suggested the need for statutory recognition of child criminal exploitation (CCE) and for a welfare first approach rather than criminalisation. SBNI also raised concerns about CCE and asked for greater awareness of the risks and a need for greater support services for victims of CCE.

300. In response, the Department referred to the Child Criminal Exploitation offence in the Crime and Policing Bill, which is being extended to Northern Ireland. The Department stated:

“The introduction of a specific offence in Northern Ireland against the criminal exploitation of children would criminalise any adult over the age of 18 who engages in conduct towards or in respect of a child under the age of 18, for the purpose of causing the child to commit an offence.

The intention is to create an offence which prosecutes the adult as the primary offender against the child; it is not the intention of this provision merely to extend liability to the adult for the underlying offence committed by the child.

The introduction of a CCE offence should act as a deterrent to gangs from enlisting children by charging them as child exploiters with a maximum penalty of 10 years imprisonment.”

301. The NIHRC wished to note the risk that victims could be prosecuted under the legislation, and that it could be a particular risk to women subject to coercive control, children, and victims of trafficking and modern slavery. They recommended that they consider how law enforcement agencies will ensure that those who are exploited or coerced to participate in criminal activity are not criminalised by the proposed offences.
302. The Department advised it is very alert to the harm caused by organised crime groups and the seriousness of this offending, and had actively considered how the legislation could be drafted to ensure that children or young people, women or the vulnerable were not innocently captured by the new offence. Consideration had been given as to whether there was a requirement for statutory defences to be included, with the Department engaging with and testing potential defences with operational partners. It was determined that the common law defence of duress could potentially apply where there has been evidence of threats, and the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 provides a statutory defence for slavery and trafficking victims in relation to certain criminal offences. In addition, the new CCE offence should act as a deterrent to the exploitation of children by gangs.
303. NICCY queried why the Department was seeking to introduce different penalties from other jurisdictions in this amendment, and how they envisage these new offences working for cross-border organised crime in the context of exploitation and trafficking. The Department advised that, having engaged closely with neighbouring jurisdictions, it was apparent that they have their own nuanced version of serious organised crime offences. The proposed offences are akin to those in neighbouring jurisdictions, taking into account the unique challenges in Northern Ireland. The serious nature of this type of criminal activity is reflected in the proposed sentencing and may also act as a deterrent for those considering participating in such activities.
304. Notwithstanding concerns about potential coercion and exploitation, the Committee was content with the proposed Ministerial amendment.

Repeal of Vagrancy Legislation Amendment (Repeal of public order offences)

305. This amendment sought to repeal section 4 of the Vagrancy Act 1824 (the 1824 Act) and section 3 of the Vagrancy (Ireland) Act 1847 (the 1847 Act). The Department advised that there has been “considerable criticism, by the media, some MLAs and homeless support organisations, of the use of what is considered ‘outdated legislation’, alleging that it is being used to criminalise homelessness.
306. The proposed repeal of the relevant sections in the two Acts attracted support from all those who commented. There was broad agreement that simple begging should not be an offence, with recognition that there is a need to deal with the wider social and societal issues that underlie begging. However, some respondents did express concerns that the repeal may leave a gap in powers to deal with certain behaviours and that other legislation may need to be introduced to replace the 19th century laws, though others did not believe that any form of replacement legislation would be required.
307. The Simon Community and Homeless Connect provided joint evidence to the Committee, stressing that it is not appropriate to criminalise people who are simply begging and not behaving any other way that might attract a criminal sanction. They drew attention to the separate nature of the issues of rough sleeping and begging and supported the PSNI’s decision not to prosecute for rough sleeping. The witnesses from Homeless Connect stated “we recognise that it is important for the PSNI to have the tools necessary to address disruptive behaviours that go beyond simple begging but...we point out that it is not necessarily a straightforward thing.”
308. Retail NI provided evidence to the Committee and while also agreeing that there was a wish to repeal antiquated legislation, they expressed a view that the repeal should be halted until proper consideration was given to replacement powers as they felt this was necessary but had not been properly looked at.
309. Professor Kevin Brown provided written and oral evidence on the proposed amendment. He advised that he fully supported the repeal of the relevant sections of the 1824 Act and the 1847 Act, providing his view that a complete

ban on begging and a ban on rough sleeping are both crimes of status which criminalise a person for being destitute or being without shelter, and are “arguably indefensible in modern criminal law or human rights terms.” He went on to explain that, while begging is conduct, it is not intrinsically wrong and in most cases is passive and harmless. However, in a small number of cases it can become “aggressive, intimidating, obstructive or exploitative. In those limited categories, proportionate legal tools are justified.”

310. Professor Brown did not consider that existing legislation would appropriately fill the gap that may be left by repeal without replacement. He argued that there should be “narrow, purpose-built provisions that target harmful behaviour without stigmatising poverty” and provided the Committee with draft text of an amendment on ‘Begging causing harassment, obstruction or public order concerns.’ He also pointed out that a further unintended consequence could be a gap on trespass with intent.
311. The Committee forwarded the suggested wording of Professor Brown’s proposed amendment to the Department of Justice for its views. The Department responded to advise that it did not support the proposals as they could continue to criminalise people who are simply begging and would marginalise some of the most vulnerable in our society. The Department also advised of potential interference of the proposed measures with Article 8 rights. The Department expanded on its views in oral evidence to the Committee on 11 December.
312. In their initial oral evidence in April 2025, the PSNI advised that arresting people for begging is not the appropriate pathway. They said that, where they feel there is no alternative to a criminal justice process, there were other offences which could be used, for example disorderly behaviour, breach of the peace, public nuisance or provocative behaviour. In later evidence in November 2025, the PSNI said they were concerned that replacement legislation may leave a gap, noting that provisions for alternative offences have been implemented elsewhere in the UK and in the Republic of Ireland. The PSNI suggested that powers similar to Clause 10 of the Crime and Policing Bill in England and Wales and section 11 of the Criminal Justice and Public Order Act 1994 in Ireland

could be used to plug the gaps for trespass with intent and Clause 11 of the Crime and Policing Bill for facilitating begging for gain.

313. At the meeting on 12 February 2026, the Committee noted that the amendment to repeal vagrancy legislation may no longer be progressed by the Minister of Justice, as Executive agreement could not be secured. The Department subsequently wrote to the Committee on 27 February to ask if the Committee had reached a consensus on the Department's proposed amendment to repeal the outdated legislation without the need for replacement legislation.
314. The Committee considered the correspondence at the meeting on 5 March. After discussion, the Committee agreed to ask the Bill Clerk to prepare a draft amendment to incorporate elements of Professor Brown's draft amendments and Clause 10 (Offence of trespassing with intent to commit criminal offence) and Clause 11 (Arranging or facilitating begging for gain) in the crime and Policing Bill.¹⁶
315. The Committee considered the draft prepared by the Bill Clerk at the meeting on 12 March along with the Department's draft amendment. Whilst Members unanimously agree the legislation is outdated and should be repealed, the Committee was unable to reach a consensus on how to proceed, with Members divided on the need for replacement legislation. Sinn Féin stated that one of their concerns with replacement legislation is that any proposed new offences have not been subject to full and proper consultation.
316. Members voted on the options of proceeding without replacement legislation and with replacement legislation. However, as the votes for and against each proposal were equal, both proposals fell.
317. Therefore, while Committee Members stressed that they would be keen to see the legislation repealed, the Committee could not reach an agreed position on an amendment by which this could be achieved.

¹⁶ [Crime and Policing Bill - Parliamentary Bills - UK Parliament](#)

Consideration of other matters not in the Bill

Barred and Advisory Lists and Police Misconduct Regulations

318. In its written submission, the Policing Board advised that, while not part of the Bill, it would welcome a review of the current Policing Misconduct Regulations Board in order to identify improvements in the use of existing legislation provision which would enable Police misconduct cases to be progressed expeditiously.
319. Following the oral evidence session, the Committee wrote to the Department for an update on a timeline for any work to review the Misconduct Regulations. The Committee was advised that the regulatory framework within which the misconduct process operates was being considered and the Department had engaged with key stakeholders on seven key issues. Any changes on these matters would require primary or secondary legislation and would be subject to consultation.
320. Separately, while considering proposals for legislative consent for the Crime and Policing Bill, the Committee was advised that it had been intended that a number of relevant bodies in Northern Ireland, such as the PSNI, the Northern Ireland Policing Board and the Police Ombudsman for Northern Ireland, would be included within the provisions to create Barred and Advisory lists, while Belfast Harbour Police and Airport Police had also indicated that they wished to be included in the provision. However, capacity constraints meant that, in Northern Ireland, the provisions would only be for the creation of Barred and Advisory lists for the PSNI. During oral evidence with Department of Justice officials on 11 September, Members expressed concern at the potential gap that could be exploited by the provisions not extending to those other bodies.
321. The Department subsequently wrote to advise that, due to the volume of amendments to be drafted for the Lords Committee Stage, it would no longer be possible to draft the provisions to create a Barred and Advisory List for the PSNI. The Committee advised the Department of its concerns that there would

now be an even bigger safeguarding gap, and asked what consideration had been given to including the provisions via an amendment to the Justice Bill or as part of either of the two pieces of primary legislation that the Department intends to introduce within the mandate.

322. In response, the Department welcomed the Committee's willingness to support such an amendment and confirmed it was the Minister's intention to bring forward an amendment to make provision for Northern Ireland Policing Barred and Advisory Lists for all law enforcement bodies in Northern Ireland. While the Committee has not had sight of the text of the amendment, the Committee appreciates the Minister's agreement to take this important matter forward.
323. In its subsequent response to the table of evidence received on the Bill, the Department also indicated that it also anticipates that provisions relating to Former Officer Misconduct Proceedings will also be progressed by amendment to the Justice Bill. The Committee did not receive any further information and did not take a position on this matter.
324. The Department has also indicated that a significant number of matters will be progressed via secondary legislative amendment to the Police (Conduct) Regulations (NI) 2016 and the introduction of new Police Vetting Regulations. The Committee looks forward to scrutinising this legislation in due course.

Independent Custody Visitors Scheme

325. The Policing Board also raised concerns in their written and oral evidence about issues in the delivery and operation of the Independent Custody Visitors Scheme (ICVS), and asked that consideration was given to amending Section 73 of the Police (Northern Ireland) Act 2000 to enable Independent Custody Visitors to access custody records in instance where detainees are unavailable and/or unable to give consent.
326. The Committee sought clarification from the Department on any plans to address this issue and was advised in May 2025 that the Department had engaged with key stakeholders and had sought legal advice. This would be reviewed to determine the most appropriate course of action.

327. On 3 February 2026, the Department wrote to confirm that it is the Minister's intention to bring forward an amendment to the Justice Bill in relation to the ICVS, as it would be the only suitable vehicle by which the change could be made this mandate. The amendment will aim to address the gap in access to custody records, particularly where detainees are not capable of providing consent. The Department stated that the intent of the amendment is "to ensure the continued effective delivery of the ICVS and to maintain the integrity of the independent oversight arrangements in police custody."

328. The Committee noted the update regarding the planned amendment at its meeting on 12 February 2026.

Deepfake offence

329. The Minister initially met informally with the Chair and Deputy Chair of the Committee at the beginning of April 2025 to outline the options for progressing a 'deepfake offence' to cover the creation, procuring, sharing or threatening to share image(s) causing distress, alarm or humiliation or being reckless as to whether it does those things. These options were:

- to bring forward in primary legislation in the new mandate.
- to introduce an amendment to the Justice Bill at Consideration Stage
- to include provisions in the Victims and Witnesses of Crime Bill

330. The Minister advised that, to bring the provisions forward in a Bill in the new mandate would likely result in at least a 3 year lag behind other jurisdictions on this issue. She also advised she would be concerned that the nature of the offence would widen the scope of the Victims and Witnesses of Crime Bill. The Minister therefore indicated her preferred option would be by amendment to the Justice Bill at Consideration Stage.

331. Having considered the options available, the Committee agreed on 10 April 2025 that it was content with the Minister's preferred option to make provision for a deepfake offence in the Justice Bill by way of amendment, subject to the Committee being afforded the opportunity to conduct proper scrutiny. The Department subsequently confirmed that the Minister gave her assurance that

Members would be kept informed of relevant developments as legislative proposals were progressed.

332. The Committee received an oral briefing on 26 June 2025 on the proposed public consultation on a deepfake offence. Members asked questions about the scope and content of the amendment and how similar legislation has been taken forward in other jurisdictions, as well as querying the powers to force social media companies to take down images or material.
333. The Department's consultation subsequently opened on 22 July 2025 and closed on 13 October.
334. In October 2025, the Committee received detailed correspondence from an academic, Professor Clare McGlynn of Durham University. She welcomed the proposal to legislate for sexually explicit deepfake offences, but suggested that the proposals were too limited and would be unworkable. The Committee agreed to hear from Professor McGlynn after it had received an update on the outcome of the consultation and the proposed way forward from the Department.
335. A written update on the outcome of the consultation was scheduled in the Department's work programme for 29 January 2026, however the Department asked for it to be postponed to a later date.
336. The Committee is disappointed that, at the time of this report, it has not yet received an update on the outcome of the consultation or details of the amendment that the Minister proposes to table at Consideration Stage.

Minimum Age of Criminal Responsibility

337. In the evidence received, several groups suggested that an amendment should be brought to raise the Minimum Age of Criminal Responsibility (MACR). Most groups cited the fact that, at age 10, Northern Ireland has one of the lowest ages of criminal responsibility in Europe, contending that is could be seen as contrary to the rights of the child.

338. BASW, the Bar of Northern Ireland, the Probation Board, Victim Support NI, NI Alternatives, CRJI and the NI Youth Assembly all submitted written evidence suggesting the age be raised to 14 years old. The Children’s Law Centre, Children in Northern Ireland, NICCY, VOYPIC and Include Youth all suggested raising the age to 16. The Committee also received a paper from the “10 is too young” coalition, made up of a group of community and voluntary organisations, who recommended that the age be raised to 16.
339. During the roundtable event with young people, participants suggested an age range of between 13 and 16 years old would be appropriate but stressed that 10 was too young and that going through the courts process as a younger child was traumatic. Participants at the grassroots roundtable event also generally agreed that the current age is too low but, while there was a consensus that it should be raised, some were unsure what it should be raised to, while others suggested that 14 could be an appropriate level with exceptions or other safeguards for more serious crimes.
340. The Committee is aware that several amendments have been tabled by individual MLAs which propose to raise the MACR to 12, 14 or 16. The Committee did not take a position on this matter.

Removal of the defence of reasonable chastisement

341. The Committee received submissions from several groups regarding the removal of the defence of reasonable chastisement to provide equal protection for children.
342. In oral evidence to the Committee, Barnardo’s strongly encouraged the Committee to consider an amendment to provide for equal protection. Members were advised that

“legislative steps have been taken in Scotland, Wales and the Republic of Ireland to ensure that children have the same protection from assault as adults, and MPs in Westminster are currently considering amendment to the Children’s Wellbeing and Schools Bill to provide children in England with that protection. It is vital that children in

Northern Ireland are afforded the same protection as their peers elsewhere in the UK and Ireland.”

343. The Committee also received a joint submission from Action for Children, Barnardo’s NI, BASW NI, Children in Northern Ireland, Children’s Law Centre, Include Youth, Mencap, NICCY, NSPCC, Parenting Focus NI, Royal College of Paediatrics and Child Health, VOYPIC and Women’s Aid calling for an amendment to remove the legal defence of “reasonable punishment”.
344. The Committee also heard from the Youth Assembly who were also supportive of removing the defence of reasonable chastisement. The Committee heard from the children’s round table event on the issue, and it was pointed out that an adult would break the law if they punched another adult, but that a parent can hit their child without breaking the law.
345. There was general consensus among the participants at the grassroots event on the need to remove the defence. Concerns were raised, however, about the potential for criminalising parents who may be struggling and need support. Participants stressed the need to provide greater support to parents who are struggling and that there was a need to not criminalise parents unnecessarily. They highlighted the need for awareness raising of any change to the law and funding to drive change for earlier intervention and support.
346. A joint evidence session was held on 6 November 2025 with officials from the Department of Justice and the Department of Health. They discussed how the repeal of the defence of reasonable chastisement had been handled in other jurisdictions, challenges faced and support for parents including out-of-court support programmes.
347. The Department has advised that the Minister was fully supportive of removing the defence of reasonable chastisement from the law but had been unable to achieve Executive approval for the measure.
348. The Committee is aware that an individual MLA has tabled an amendment to remove the defence of reasonable chastisement. The Committee did not take a formal position on the issue.

Clause by Clause Scrutiny of the Bill

349. The Committee deliberated on the Clauses of the Bill and planned Ministerial amendments at its meetings on 29 January, 5, 12, 19 and 26 February, and 5, 12 and 19 March 2026. The Committee undertook its formal clause-by-clause scrutiny of the Bill on 19 March.

Clause 1 – Retention of fingerprints and DNA profiles

350. 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

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

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

Clause 2 – Retention of fingerprints and DNA profiles: amendments

353. The Committee considered Clause 2 as drafted.

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

Clause 3 – Retention of fingerprints and DNA profiles: supplementary

355. 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’.

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

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

New Clause – Retention, use and destruction of photographs

358. 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.”.’

359. **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.

360. **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

361. 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'

362. **Agreed:** That the Committee is content with its proposed amendment to add 'vulnerabilities' to the range of matters to be considered by the police .
363. **Agreed:** That the Committee is content with Clause 4 as amended by the Committee.

Clause 5 – Police bail after arrest

364. 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'

365. **Agreed:** That the Committee is content with its proposed amendment to add 'vulnerabilities' to the range of matters to be considered by the police.
366. **Agreed:** That the Committee is content with Clause 5 as amended by the Committee.

Clause 6 – Court Bail

367. 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 a when making bail and remand decisions in children's cases.

Clause 6, Page 22, Line 22

After 'maturity' insert ', vulnerabilities'

368. **Agreed:** That the Committee is content with the amendment to add 'vulnerabilities' to the range of matters to be considered by the court.
369. **Agreed:** That the Committee is content with Clause 6 as amended by the Committee.

Clause 7 – Arrest for absconding or breaking conditions of bail

370. The Committee considered Clause 7 as drafted.
371. **Agreed:** That the Committee is content with Clause 7 as drafted.

Clause 8 – Considerations relevant to bail: accommodation

372. The Committee considered Clause 8 as drafted.
373. **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

374. **Agreed:** The Committee agreed to group Clauses 9 to 11 for the purposes of putting the question.
375. The Committee considered Clauses 9 to 11 as drafted.
376. **Agreed:** That the Committee is content with Clauses 9 to 11 as drafted.

Clause 12 – Youth Custody and Supervision Orders

377. The Committee considered Clause 12 as drafted.
378. **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

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

380. The Committee considered Clauses 13 to 19 as drafted.

381. **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

382. 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).”.

383. **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.

384. **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

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

386. The Committee considered Clauses 20 and 21 as drafted.

387. **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.

388. **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.

389. **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

390. 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.'

391. **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.

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

393. 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.

394. **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

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

396. The Committee considered Clauses 22 and 23 as drafted.

397. **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

398. 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”.’

399. **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.

400. **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.

401. 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”.

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

403. **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

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

405. The Committee considered Clauses 24 to 26 as drafted.

406. **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.'

407. The Committee noted 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.
408. **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.
409. **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

410. The Committee considered Clause 27 as drafted.
411. **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.

412. **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

413. 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.”.’

414. **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.

415. **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

416. The Committee considered Clause 29 as drafted.

417. **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

418. 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;

indecentcy – 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 (indecentcy 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 of 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.”’

419. 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.

420. **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.

421. **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

422. The Committee considered Clause 30 as drafted.

423. **Agreed:** That the Committee is content with Clause 30 as drafted.

Clause 31 – Further provisions

424. The Committee noted 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.

425. The Committee considered Clause 31 as drafted.

426. **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

427. The Committee considered Clause 32 as drafted.

428. **Agreed:** That the Committee is content with Clause 32 as drafted.

Clause 33 – Commencement

429. 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.’

430. **Agreed:** The Committee agreed that it is content with its amendment to commence Part 1 within 5 years of Royal Assent.

431. 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.’

432. 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).’

433. **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.
434. **Agreed:** That the Committee is content with Clause 33 as amended by the Committee and by the Minister of Justice.

Clause 34 – Short Title

435. The Committee considered the Short title as drafted.
436. **Agreed:** That the Committee is content with the Short title.

Schedules 1 – 4

437. 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.

438. **Agreed:** That the Committee is content with Schedules 1 – 4 as amended by the Minister of Justice.

Long Title

439. 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;’

440. **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’.
441. **Agreed:** That the Committee is content with the Long Title of the Bill as amended.

Links to Appendices

Appendix 1: Minutes of Proceedings

[View Minutes of Proceedings of Committee meetings related to the report](#)

Appendix 2: Minutes of Evidence

[View Minutes of Evidence from evidence sessions related to the report](#)

Appendix 3: Memoranda and Papers from the Department of Justice

[View Memoranda and Papers supplied to the Committee by the Department of Justice](#)

Appendix 4: Memoranda and Papers from Others

[View Memoranda and Papers supplied to the Committee from other individuals or organisations](#)

Appendix 5: Written submissions

[View written submissions received in relation to the report](#)

Appendix 6: Research Papers

[View Research Papers produced by the Assembly's Research and Information Service \(RaISe\) in relation to the report](#)

Appendix 7: Convention Rights Memoranda

[Here you will find Convention Rights Memoranda relating to the Justice Bill](#)

Appendix 8: List of witnesses who gave oral evidence to the Committee

- Ada Lovelace Institute
- Barnardo's Northern Ireland
- British Association of Social Workers Northern Ireland

- Children's Law Centre
- Commissioner for Victims of Crime Designate
- Community Restorative Justice Ireland
- Forensic Science Northern Ireland
- Homeless Connect
- Include Youth
- Information Commissioner's Office
- Kevin Brown – Professor of Criminal Law, School of Law, Queen's University Belfast
- Lady Chief Justice
- Law Society of Northern Ireland
- NIACRO
- Northern Ireland Alternatives
- Northern Ireland Commissioner for Children and Young People (NICCY)
- Northern Ireland Human Rights Commission
- Northern Ireland Youth Assembly
- Police Service of Northern Ireland
- Policing Board
- Probation Board for Northern Ireland
- Retail NI
- Scottish Biometrics Commissioner
- Simon Community
- The Bar of Northern Ireland
- VOYPIC

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