



Northern Ireland
Assembly

Justice Bill

Annotated Marshalled List of Amendments
Consideration Stage

Monday 8 June and Tuesday 9 June 2026

Amendments tabled up to 9.30am Wednesday, 20 May 2026 and selected for debate

The Bill will be considered in the following order—

Clauses, Schedules and Long Title

Amendment 41 *[Made]*

Clause 4, Page 18, Line 40

After ‘maturity’ insert ‘, vulnerabilities’

Chair, Committee for Justice

Amendment 42 *[Made]*

Clause 5, Page 19, Line 37

After ‘maturity’ insert ‘, vulnerabilities’

Chair, Committee for Justice

Amendment 43 *[Made]*

Clause 6, Page 22, Line 22

After ‘maturity’ insert ‘, vulnerabilities’

Chair, Committee for Justice

Amendment 44 *[Negatived on division]*

Clause 12, Page 25, Line 32

Leave out ‘was aged 14 or over’ and insert ‘had attained the age of responsibility specified in Article 3’

Mr Paul Frew

Mr Maurice Bradley

Mr Brian Kingston

Amendment 45 *[Made]*

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.’

Minister of Justice

Amendment 46

[Made]

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.’

Minister of Justice

Amendment 47 *[Made]*

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.’

Minister of Justice

Amendment 48 *[Made]*

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.’

Minister of Justice

Amendment 49*[Negatived on division]*

Clause 21, Page 33, Line 36

At end insert—

‘(1A) The appropriate consent under paragraph (1)(c) must be—

- (a) given in writing or orally by means of the live link;
- (b) preceded by an explanation by the custody officer, in language capable of being understood by the detainee, of—
 - (i) the nature of the live link arrangement;
 - (ii) the person’s rights; and
- (c) capable of being withdrawn at any time, in which case the custody officer must record the withdrawal of consent in the custody record.

(1B) Where the arrested person has not attained the age of 18, the oral explanation provided by the custody officer under Article 46ZA(1A)(b) must also be provided in writing using language that is appropriate to the child’s age, maturity and level of understanding.’

*Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson*

Amendment 50*[Negatived]*

Clause 21, Page 34, Line 5

At end insert ‘, and if—

- (a) the arrested person’s solicitor is present or is able to see and hear, and be seen and heard by, the officer and the arrested person by means of the live link, and
 - (b) a report has been provided in writing by a police officer of at least the rank of Inspector which confirms that the use of the live link would not be contrary to the interests of justice and in particular would not prejudice the arrested person’s effective participation in the interview.
- (3A) A report under paragraph (3)(b) must—
- (a) be included in the custody record relating to the arrested person, and
 - (b) provide an assessment of—
 - (i) any ascertainable intellectual or communication impairment that may affect the arrested person’s ability to communicate effectively via live link;
 - (ii) any ascertainable mental or physical health condition affecting the arrested person; and
 - (iii) whether any reasonable adjustments are required to ensure that the use of the live link remains appropriate.’

*Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson*

Amendment 51 *[Negatived]*

Clause 21, Page 34, Line 12

At end insert—

‘(5A) Paragraph (4) is to be read as if it required the officer to record in the arrested person’s custody record any issues or interruptions that arose during the live link arrangement.’

*Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson*

Amendment 52 *[Made]*

New Clause

After clause 21 insert—

‘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) 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 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.’

Chair, Committee for Justice

Amendment 53

[Made]

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.’

Minister of Justice

Amendment 54

[Made]

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.’

Minister of Justice

Amendment 8 *[Made]*

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 the 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.’

Minister of Justice

Amendment 9 *[Made]*

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.'

Minister of Justice

Amendment 57 *[Made]*

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) in the case of an industrial tribunal or the Fair Employment Tribunal, any guidance issued by the President of the Industrial Tribunals and the Fair Employment Tribunal;
 - (c) 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.’

Minister of Justice

Amendment 11 *[Made]*

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.’

Minister of Justice

Amendment 59 *[Made]*

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.

(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.’

Minister of Justice

Amendment 60 *[Made]*

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.’

Minister of Justice

Amendment 61 *[Made]*

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.’

Minister of Justice

Amendment 62 [Made]

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).'

Minister of Justice

Amendment 63 *[Made]*

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, other than a court.

(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.’

Minister of Justice

Amendment 64 *[Made]*

New Clause

After clause 21 insert—

‘Consequential amendments and transitional provisions

21L. In Schedule 6—

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

Minister of Justice

Amendment 65 *[Negatived on division]*

New Clause

After clause 21 insert—

‘Review of use of live links

21M.—(1) The Department of Justice must appoint such person as it considers appropriate to—

(a) conduct a review, covering the review period, of the operation of live link arrangements following a live link direction under section 21A (“the live link arrangements”), and (b) prepare a report, covering the review period.

(2) The report under subsection (1)(b) must include—

- (a) an assessment of whether, and if so to what extent, the live link arrangements are effective, following the review under subsection (1)(a);
- (b) an assessment of the extent to which, where a court or tribunal has given a live link direction, the rights of persons participating in proceedings have been safeguarded;

(c) the number of directions for participation by live link that have been given during the review period by each of the courts listed in section 21K(2) and by each statutory tribunal falling under section 21K(3); and

(d) any other information the Department considers appropriate.

(3) Before preparing the report, the person appointed under subsection (1) must consult and take into account the views of—

(a) the Northern Ireland Courts and Tribunals Service,

(b) the Police Service of Northern Ireland,

(c) the Northern Ireland Human Rights Commission,

(d) the Northern Ireland Commissioner for Children and Young People,

(e) the Incorporated Law Society of Northern Ireland, and

(f) such other persons as the Department considers appropriate.

(4) The review period is the period of 3 years beginning with the day on which Section 21A comes into operation.

(5) The Department must—

(a) lay the report before the Northern Ireland Assembly, and

(b) publish the report as soon as practicable after it is completed, in such manner as it considers appropriate.’

Mr Paul Frew

Mr Maurice Bradley

Mr Brian Kingston

Amendment 66 *[Made]*

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.’

Minister of Justice

Amendment 67 *[Made]*

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”.’

Minister of Justice

Amendment 68

[Made on division]

New Clause

After clause 23 insert—

‘Police discipline

Disciplinary proceedings concerning former police officers

23A.—(1) The Police (Northern Ireland) Act 1998 is amended as follows.

(2) In section 25 (regulations for Police Service of Northern Ireland)—

(a) after subsection (3) insert—

“(3A) Regulations under this section may provide for the procedures that are established by or under regulations made by virtue of subsection (3) to apply (with or without modifications) in respect of the conduct, efficiency or effectiveness of any person where—

(a) an allegation relating to the conduct, efficiency or effectiveness of the person comes to the attention of the Chief Constable, the Board or the Ombudsman,

(b) at the time of the alleged misconduct, inefficiency or ineffectiveness the person was a member of the Police Service of Northern Ireland, and

(c) condition A, B or C is satisfied in relation to the person.

(3B) Condition A is that the person ceases to be a member of the Police Service of Northern Ireland after the allegation first comes to the attention of a person mentioned in subsection (3A)(a).

(3C) Condition B is that—

- (a) the person had ceased to be a member of the Police Service of Northern Ireland before the allegation first came to the attention of a person mentioned in subsection (3A)(a), and
- (b) the period between the person having ceased to be a member of the Police Service of Northern Ireland and the allegation first coming to the attention of a person mentioned in subsection (3A)(a) does not exceed the period specified in regulations under this section.

(3D) Condition C is that—

- (a) the person had ceased to be a member of the Police Service of Northern Ireland before the allegation first came to the attention of a person mentioned in subsection (3A)(a),
- (b) the period between the person having ceased to be a member of the Police Service of Northern Ireland and the allegation first coming to the attention of a person mentioned in subsection (3A)(a) exceeds the period specified for the purposes of condition B, and
- (c) the alleged misconduct, inefficiency or ineffectiveness is such that, if proved, the person could have been dealt with by dismissal if the person had still been a member of the Police Service of Northern Ireland.

(3E) Regulations made by virtue of subsection (3A) as they apply in a case where condition C is satisfied in relation to a person must provide that disciplinary proceedings may be taken against the person in respect of the alleged misconduct, inefficiency or ineffectiveness only if the Ombudsman determines that taking such proceedings would be reasonable and proportionate having regard to—

- (a) the seriousness of the alleged misconduct, inefficiency or ineffectiveness,
- (b) the impact of the allegation on public confidence in the police, and
- (c) the public interest.

(3F) Regulations made by virtue of subsection (3A) may make provision about matters to be taken into account by the Ombudsman for the purposes of subsection (3E)(a) to (c).

(3G) Regulations made by virtue of subsection (3A) must provide that disciplinary proceedings which are not the first disciplinary proceedings to be taken against the person in respect of the alleged misconduct, inefficiency or ineffectiveness may be taken only if they result from a re-investigation of the allegation that begins within the period specified in the regulations.

(3H) The period referred to in subsection (3G) must begin with the date when the person ceased to be a member of the Police Service of Northern Ireland.”;

(b) in subsection (4)—

- (i) after “reduced in rank” insert “or former members where there is a finding that the person would have been dismissed, or required to resign, if the person had still been a member;”
- (ii) in paragraph (a), after “(3)” insert “or (3A)”.

(3) In section 26 (regulations for Police Service of Northern Ireland Reserve)—

(a) after subsection (3) insert—

“(3A) Regulations under this section may provide for the procedures that are established by or under regulations made by virtue of subsection (3) to apply (with or without modifications) in respect of the conduct, efficiency or effectiveness of any person where—

- (a) an allegation relating to the conduct, efficiency or effectiveness of the person comes to the attention of the Chief Constable, the Board or the Ombudsman,
- (b) at the time of the alleged misconduct, inefficiency or ineffectiveness the person was a reserve constable, and

(c) condition A, B or C is satisfied in relation to the person.

(3B) Condition A is that the person ceases to be a reserve constable after the allegation first comes to the attention of a person mentioned in subsection (3A)(a).

(3C) Condition B is that—

- (a) the person had ceased to be a reserve constable before the allegation first came to the attention of a person mentioned in subsection (3A)(a), and
- (b) the period between the person having ceased to be a reserve constable and the allegation first coming to the attention of a person mentioned in subsection (3A)(a) does not exceed the period specified in regulations under this section.

(3D) Condition C is that—

- (a) the person had ceased to be a reserve constable before the allegation first came to the attention of a person mentioned in subsection (3A)(a),
- (b) the period between the person having ceased to be a reserve constable and the allegation first coming to the attention of a person mentioned in subsection (3A)(a) exceeds the period specified for the purposes of condition B, and
- (c) the alleged misconduct, inefficiency or ineffectiveness is such that, if proved, the person could have been dealt with by dismissal if the person had still been a reserve constable.

(3E) Regulations made by virtue of subsection (3A) as they apply in a case where condition C is satisfied in relation to a person must provide that disciplinary proceedings may be taken against the person in respect of the alleged misconduct, inefficiency or ineffectiveness only if the Ombudsman determines that taking such proceedings would be reasonable and proportionate having regard to—

- (a) the seriousness of the alleged misconduct, inefficiency or ineffectiveness,
- (b) the impact of the allegation on public confidence in the police, and
- (c) the public interest.

(3F) Regulations made by virtue of subsection (3A) may make provision about matters to be taken into account by the Ombudsman for the purposes of subsection (3E)(a) to (c).

(3G) Regulations made by virtue of subsection (3A) must provide that disciplinary proceedings which are not the first disciplinary proceedings to be taken against the person in respect of the alleged misconduct, inefficiency or ineffectiveness may be taken only if they result from a re-investigation of the allegation that begins within the period specified in the regulations.

(3H) The period referred to in subsection (3G) must begin with the date when the person ceased to be a reserve constable.”;

(b) in subsection (4)—

- (i) after “reduced in rank” insert “or former reserve constables where there is a finding that the person would have been dismissed, or required to resign, if the person had still been a reserve constable;”
- (ii) in paragraph (a), after “(3)” insert “or (3A)”.

(4) In section 27 (members of Police Service of Northern Ireland engaged on other police service)—

- (a) in subsection (5), after “section 25(3)” insert “or (3A)”;
- (b) in subsection (6A)—
 - (i) after “section 25(3)” (in the first place) insert “, (3A)”;
 - (ii) after “section 25(3)” (in the second place) insert “or (3A)”;

- (c) in subsection (9)(c)—
 - (i) after “section 25(3)” insert “or (3A)”;
 - (ii) after “or 26(3)” insert “or (3A)”.
- (5) In section 32 (Police Association for Northern Ireland), in subsection (2)—
 - (a) after “section 25(3)” insert “or (3A),”;
 - (b) after “or 26(3)” insert “or (3A)”.
- (6) In section 59 (steps to be taken after investigation – disciplinary proceedings), in subsection (8)—
 - (a) after “section 25(3)” insert “or (3A),”;
 - (b) after “or 26(3)” insert “or (3A)”.
- (7) In section 65 (guidance concerning discipline, complaints, etc), in subsection (3)—
 - (a) after “section 25(3)” insert “or (3A),”;
 - (b) after “or 26(3)” insert “or (3A)”.
- (8) Regulations made in pursuance of section 25(3A) or 26(3A) of the Police (Northern Ireland) Act 1998 (as inserted by subsections (2) and (3))—
 - (a) may not make provision in relation to a person who ceases to be a police officer before the coming into operation of subsections (2) and (3);
 - (b) may make provision in relation to a person who ceases to be a police officer after the coming into operation of this section even though the alleged misconduct, inefficiency or ineffectiveness occurred at a time before the coming into operation of subsections (2) and (3), but only if the condition in subsection (9) is satisfied.

(9) The condition referred to in subsection (8)(b) is that the alleged misconduct, inefficiency or ineffectiveness is such that, if proved, there could be a finding in relation to the person in disciplinary proceedings that the person would have been dismissed, or required to resign, if the person had still been a police officer.

(10) In subsections (8) and (9), “police officer” has the meaning given by section 77(1) of the Police (Northern Ireland) Act 2000.’

Minister of Justice

Amendment 69 *[Made]*

New Clause

After clause 23 insert—

‘Police barred list and police advisory list

23B. Schedule 5 inserts new Part 7A into the Police (Northern Ireland) Act 1998, relating to a police barred list and police advisory list.’

Minister of Justice

Amendment 70 *[Made]*

New Clause

After clause 23 insert—

‘Repeal of public order offences

Repeal of public order offences

23A.—(1) Section 4 of the Vagrancy Act 1824 is repealed.

(2) The Vagrancy (Ireland) Act 1847 is repealed.

(3) In Schedule 5—

(a) Part 1 makes consequential amendments relating to the repeal of section 4 of the Vagrancy Act 1824;

(b) Part 2 makes consequential amendments relating to the repeal of the Vagrancy (Ireland) Act 1847.

(4) The amendments made by this section and Schedule 5 do not apply in relation to an offence committed before this section comes into operation.’

Minister of Justice

Amendment 71 *[Made]*

New Clause

After clause 23 insert—

‘Offence of trespassing with intent to commit criminal offence

23A.—(1) A person commits an offence if the person trespasses on any premises with intent to commit an offence (whether or not on the premises).

(2) In subsection (1) “premises” means any building, part of a building or enclosed area.

(3) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 3 on the standard scale (or both).’

*Mr Paul Frew
Mr Maurice Bradley
Mr Brian Kingston*

Amendment 72 *[Made]*

New Clause

After clause 23 insert—

‘Arranging or facilitating begging for gain

23B.—(1) A person commits an offence if, for gain, the person arranges or facilitates another person’s begging.

(2) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).’

*Mr Paul Frew
Mr Maurice Bradley
Mr Brian Kingston*

Amendment 73 *[Made on division]*

New Clause

After clause 23 insert—

‘Abolition of offences of blasphemy and blasphemous libel

Abolition of the offences of blasphemy and blasphemous libel

23A. The common law offences of blasphemy and blasphemous libel are abolished.’

Ms Connie Egan

Amendment 74 *[Made]*

New Clause

After clause 23 insert—

‘Drugs testing at authorised check-points

Drugs testing at authorised check-points

23A.—(1) The Road Traffic (Northern Ireland) Order 1995 is amended as follows.

(2) In Article 13(3)(a)—

(a) omit “or” and insert “, a”;

(b) after “breath test” insert “or a check-point drugs test”.

(3) After Article 17CA insert—

“Drugs testing at authorised check-points

17CB.—(1) A constable who is on duty at a check-point may require—

- (a) a person driving a motor vehicle stopped at the check-point, and
- (b) any person in charge of such a vehicle,

to co-operate with a check-point drugs test administered to that person by the constable or another constable.

- (2) A check-point drugs test is a procedure whereby a specimen of saliva is obtained from the person to whom the test is administered for the purpose of obtaining, by means of a device approved by the Department, an indication whether that person to whom the test is administered has a drug in their body.
- (3) The establishment of a check-point drugs test for the purposes of this Article must be authorised by a member of the Police Service of Northern Ireland, not below the rank of inspector; and a check-point drugs test for those purposes may be authorised to be established in any public place.
- (4) Authorisation under paragraph (3) must be in writing and specify—
 - (a) the public place where the check-point concerned is to be located, and
 - (b) the day (or days) on which, and the hours between which, it may be operated.
- (5) A check-point drugs test administered in reliance on this Article may be administered only at or near the check-point; and a constable may administer such a test by virtue of paragraph (1) only if the constable is in uniform.
- (6) A person commits an offence if without reasonable excuse he fails to co-operate with a check-point drugs test in pursuance of a requirement imposed under this Article.”.

(4) In Article 17D—

- (a) In paragraph (2)(a)—
 - (i) omit “or” and insert “, a”;
 - (ii) after “under Article 17CA” insert “or a check-point drugs test under Article 17CB”;
 - (iii) after “person’s breath” insert “, saliva”.
- (b) In paragraph (2A)—
 - (i) omit second “or” and insert “, a”;
 - (ii) after “breath test” insert “or a check-point drugs test”.

(5) In Article 18, after paragraph (1A) insert—

“(1B) A constable may, subject to the following provisions of this Article, require a person whom the constable may require to co-operate with a check-point drugs test under Article 17CB to provide a specimen of blood or urine for a laboratory test.”.

*Mr Paul Frew
Mr Maurice Bradley
Mr Brian Kingston
Mr Stephen Dunne*

Amendment 75 [Made]

New Clause

After clause 23 insert—

‘Duty to administer preliminary tests

Duty to administer preliminary tests

23A. In Article 17 of the Road Traffic (Northern Ireland) Order 1995 (power to administer preliminary tests)—

(a) in paragraph 1 leave out "any of paragraphs (2) to (5) applies" and insert "either or both paragraphs (2) and (3) apply".

(b) after paragraph 1 insert—

“(1A) If either or both paragraphs (4) and (5) apply a constable must require a person to co-operate with any one or more preliminary tests administered to the person by that constable or another constable.”’

*Mr Paul Frew
Mr Maurice Bradley
Mr Brian Kingston
Mr Stephen Dunne*

Amendment 76 [Made]

New Clause

After clause 23 insert—

‘Police Ombudsman for Northern Ireland

Police Ombudsman: power to submit a report to appropriate authority during investigation

23A. In section 56 of the Police (Northern Ireland) Act 1998 (formal investigation by the Ombudsman) after subsection (5) insert—

“(5A) If, at any time during an investigation under this section the Ombudsman believes that the appropriate authority, on consideration of the matter, would be likely to determine that the special conditions in subsection (5B) are satisfied, the Ombudsman may, whether or not the investigation is complete, submit to the appropriate authority—

(a) a statement of the Ombudsman’s belief and the grounds for it; and (b) a written report on the investigation to that point.

(5B) The special conditions are—

(a) that misconduct proceedings would not prejudice any criminal proceedings,

(b) that there is sufficient evidence, in the form of written statements or other documents, without the need for further evidence, whether written or oral, to establish on the balance of probabilities that the conduct of the member of the police force concerned constitutes gross misconduct, and

(c) that it is in the public interest for the member of the police force concerned to cease to be a member without delay.”.’

Miss Nuala McAllister

Amendment 77 *[Made]*

New Clause

After clause 23 insert—

‘Police Ombudsman: power to submit a report to appropriate authority before criminal proceedings concluded

23B.—(1) Section 59 of the Police (Northern Ireland) Act 1998 is amended as follows.

(2) In subsection (1), after paragraph (b) insert—

“(c) criminal proceedings initiated by the Director in relation to the subject matter of such a report have not concluded but the Ombudsman believes that the appropriate authority, on consideration of the matter, would be likely to determine that the special conditions in subsection (1ZA) are satisfied.

(1ZA) The special conditions are—

- (a) that misconduct proceedings would not prejudice any criminal proceedings.
- (b) that there is sufficient evidence, in the form of written statements or other documents, without the need for further evidence, whether written or oral, to establish on the balance of probabilities that the conduct of the member of the police force concerned constitutes gross misconduct; and
- (c) that it is in the public interest for the member of the police force concerned to cease to be a member without delay.”.

(3) In subsection (2) at end insert—

“(d) where subsection (1)(c) applies—

- (i) a written statement of his belief that the appropriate authority, on consideration of the matter, would be likely to determine that the special conditions in subsection (1ZA) are satisfied; and
- (ii) a written report of the investigation to date.”.’

Miss Nuala McAllister

Amendment 78

[Made]

New Clause

After clause 23 insert—

‘Advertising sexual services

Advertising sexual services

23A. After Article 64A of the Sexual Offences (Northern Ireland) Order 2008 (paying for sexual services of a person) insert—

“Advertising sexual services

64B.—(1) A person (A) commits an offence if A—

- (a) publishes or displays, or causes or allows to be published or displayed, including digitally, an advertisement whose purpose is to promote, facilitate or offer sexual services provided by another person (B) in exchange for payment; or
- (b) coerces B to publish or display, including digitally, an advertisement whose purpose is to promote, facilitate or offer B’s sexual services in exchange for payment; and
- (c) A knows, or ought reasonably to know, that the advertisement has that purpose.

(2) A commits an offence under paragraph (1) regardless of whether A secures personal financial gain, or personally benefits in any way, from publishing or displaying the advertisement, or causing or allowing it to be displayed or published.

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

- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding seven years.

(4) In this Article “sexual services” has the same meaning as in Article 64A(4A) and (4B).”’

Mr Paul Frew

Mr Maurice Bradley

Mr Brian Kingston