



Northern Ireland
Assembly

Justice Bill

Marshalled List of Amendments
Consideration Stage

Tuesday 30 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 1 *[Made]*

Clause 1, Page 3, Line 15

Leave out ‘14’ and insert ‘28’

Minister of Justice

Amendment 2 *[Made]*

Clause 1, Page 3

Leave out line 21

Minister of Justice

Amendment 3 *[Made]*

Clause 1, Page 3, Line 22

After ‘reference’ insert ‘in Articles 63F to 63U’

Minister of Justice

Amendment 4 *[Made]*

Clause 1, Page 3

Leave out lines 27 to 32

Minister of Justice

Amendment 5 *[Negatived on division]*

Clause 1, Page 4

Leave out line 9 to line 15 on page 6

*Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson*

Amendment 6 *[Made]*

Clause 1, Page 4, Line 21

Leave out ‘If’ and insert ‘Paragraphs (4A) and (6A) apply where’

Minister of Justice

Amendment 7 *[Made]*

Clause 1, Page 4, Line 23

At end insert ‘and’

Minister of Justice

Amendment 8 *[Made]*

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,’

Minister of Justice

Amendment 9 *[Made]*

Clause 1, Page 4, Line 32

Leave out ‘(4)’ and insert ‘(4A)’

Minister of Justice

Amendment 10 *[Made]*

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.’

Minister of Justice

Amendment 11 *[Negatived on division]*

Clause 1, Page 6, Line 17

At end insert ‘, and P is aged 18 or over at the time of the offence.’

Ms Emma Sheerin

Ms Aoife Finnegan

Mrs Ciara Ferguson

At end insert—

‘Persons aged under 18 convicted of a qualifying offence or, in exceptional circumstances, a recordable offence other than a qualifying offence

63JA.—(1) This Article applies where—

- (a) P is convicted of a qualifying offence, or
 - (b) P is convicted of a recordable offence other than a qualifying offence and paragraph (2) applies, and P was aged under 18 at the time of the offence.
- (2) This paragraph applies if, in accordance with the procedure to be prescribed in regulations under this Article—
- (a) the Chief Constable makes an application to the Northern Ireland Commissioner for the Retention of Biometric Material for a determination about the continued retention of P’s material beyond the day on which it would otherwise be required to be destroyed, and
 - (b) the Commissioner determines that exceptional circumstances apply which warrant the retention of the material in the public interest.
- (3) P’s material may be retained until the end of the period of 3 years (“the last retention date”) beginning with the date on which P is convicted of the offence in question.
- (4) Where the Commissioner has made a determination under paragraph (5), P’s material may be retained—
- (a) until the end of a further period of two years beginning with the day following the last retention date (ending on “the last extended retention date”), or
 - (b) if the material has been retained under paragraph (a), for a further period of two years beginning with the day after the last extended retention date.
- (5) If, in accordance with the procedure prescribed in regulations under this Article, the Chief Constable makes an application to the Commissioner before the last retention date (or the last extended retention date as the case may be), the Commissioner may determine that exceptional circumstances apply which warrant the continued retention of the material in the public interest.
- (6) If an application is made to the Commissioner for a determination under paragraph (2)(a) or (5) and (apart from this paragraph) the material would be required under Article 63F to be destroyed before the Commissioner has made a determination, the material may be retained until the Commissioner has decided whether to make a determination.
- (7) See also Article 63N regarding the application of this Article where P is convicted outside Northern Ireland.’

Ms Emma Sheerin

Ms Aoife Finnegan

Mrs Ciara Ferguson

Amendment 13 *[Negatived on division]*

Clause 1, Page 6

Leave out line 38 to line 15 on page 8

*Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson*

Amendment 14 *[Made]*

Clause 1, Page 7, Line 12

Leave out ‘In this Article,’ and insert—

‘ For the purposes of this Article—

(a) Article 53B(1)(a) (references to persons being convicted to be read as including references to being given a caution) does not apply; and

(b)’

Minister of Justice

Amendment 15 *[Made]*

Clause 1, Page 7, Line 29

Leave out ‘community-based’

Minister of Justice

Amendment 16 *[Made]*

Clause 1, Page 7, Line 29

Leave out ‘scheme’

Minister of Justice

Amendment 17 *[Made]*

Clause 1, Page 8, Line 7

Leave out ‘In paragraphs (4) and (5)’ and insert—

‘ For the purposes of this Article—

(a) Article 53B(1)(a) (references to persons being convicted to be read as including references to being given a caution) does not apply; and

(b)'

Minister of Justice

Amendment 18 *[Not called]*

Clause 1, Page 8, Line 19

Leave out '63M' and insert '63K'

*Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson*

Amendment 19 *[Not called]*

Clause 1, Page 8, Line 20

Leave out 'reference in Article 63J(1)' and insert 'references in Articles 63J(1) and 63JA(1)(a)'

*Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson*

Amendment 20 *[Not called]*

Clause 1, Page 8, Line 24

Leave out 'references in Articles 63K(1), 63L(1) and 63M(1)(a)' and insert 'reference in Article 63K(1)'

*Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson*

Amendment 21 *[Not called]*

Clause 1, Page 8, Line 34

Leave out '63M' and insert '63K'

*Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson*

Amendment 22 *[Made]*

Clause 1, Page 8, Line 36

At end insert—

‘Person completing restorative justice process

63NA.—(1) This Article applies where P has completed the 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 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 a person who is an accredited provider of restorative justice services under section 26A of the Justice Act (Northern Ireland) 2025, 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.’

Minister of Justice

Amendment 23 *[Negatived on division]*

Clause 1, Page 8

Leave out line 37 to line 3 on page 9

Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson

Amendment 24 *[Negatived on division]*

Clause 1, Page 9

Leave out lines 4 to 33

*Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson*

Amendment 25 *[Made]*

Clause 1, Page 9, Line 4

Leave out ‘or community-based restorative justice scheme’

Minister of Justice

Amendment 26 *[Made]*

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.’

Minister of Justice

Amendment 27 *[Made]*

Clause 1, Page 9

Leave out lines 22 to 33

Minister of Justice

Amendment 28 *[Negatived on division]*

Clause 1, Page 9

Leave out lines 34 to 40

*Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson*

Amendment 29 *[Negatived on division]*

Clause 1, Page 12, Line 24

At end insert—

- ‘(4A) The Department of Justice must in regulations make provision—
- (a) requiring the Chief Constable, following a review under paragraph (2), to notify P of the fact that a review has been conducted and of the determination that has been made;
 - (b) conferring on P a right of appeal against a determination to retain P’s material under paragraph (2) and about the procedure on such appeals (including the payment of fees and the duty to notify P of the right to appeal);
 - (c) disqualifying any member of the Police Service of Northern Ireland for determining an appeal under paragraph (b);
 - (d) requiring the Chief Constable to notify P of the right to apply for confirmation that P’s material has been destroyed and to provide P with information about the application procedure.’

Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson

Amendment 30 *[Not called]*

Clause 1, Page 12, Line 38

Leave out ‘63K(2) and (3), 63L(3) and (4) and 63M(4)’ and insert ‘, 63JA and 63K(2) and (3)’

Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson

Amendment 31 *[Not called]*

Clause 1, Page 12, Line 41

Leave out ‘63Q’ and insert ‘63K, 63N’

Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson

Amendment 32 *[Negatived on division]*

Clause 1, Page 13, Line 9

At end insert—

‘(e) disqualifying any member of the Police Service of Northern Ireland for determining an appeal under paragraph (d).’

*Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson*

Amendment 33 *[Not called]*

Clause 1, Page 13, Line 19

Leave out ‘63Q and 63S’ and insert ‘63K, 63N and 63S’

*Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson*

Amendment 34 *[Negatived on division]*

Clause 1, Page 16, Line 22

Leave out ‘may’ and insert ‘must’

*Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson*

Amendment 35 *[Negatived on division]*

Clause 1, Page 16, Line 27

At end insert—

‘(5A) Guidance issued under paragraph (5) must set out the information that a custody officer should provide in writing to P and to P’s solicitor, parent, guardian or appropriate adult, before P’s biometric material is taken, including—

- (a) the maximum period for which P’s material may be retained, and
- (b) the circumstances in which P has a right to appeal against a determination made on a review of the retention of P’s material and the procedure for such appeals.’

Ms Emma Sheerin

Amendment 36 *[Made]*

Clause 1, Page 16, Line 31

Leave out ‘63G(4)(c)’ and insert ‘63G(4A)’

Minister of Justice

Amendment 37 *[Not called]*

Clause 1, Page 16, Line 31

After ‘(5)’ insert ‘and Article 63JA(2) and (5)’

*Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson*

Amendment 38 *[Negatived on division]*

New Clause

After clause 1 insert—

‘Duty to provide information to persons whose biometric data is taken

1A. Before Article 64 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (Destruction of fingerprints and DNA profiles: introductory) insert—

“Duty to provide information to persons whose biometric data is taken

63C.—(1) Where fingerprints, a DNA sample or a DNA profile are taken from a person under any statutory power, the responsible officer must, at the time of collection, provide that person with written information setting out—

- (a) the statutory basis on which the material is being taken;
- (b) the period for which the fingerprints, DNA sample or DNA profile may be retained under this Part;
- (c) the circumstances in which the material must be destroyed;
- (d) the person’s rights in relation to the retention and destruction of the material; and
- (e) how the person may obtain further information about the retention and use of their biometric data.

(2) Where the retention period applicable to that person’s biometric material changes as a result of—

- (a) the person being charged with, or convicted of, an offence;

- (b) the expiry of a previous retention period;
 - (c) the making, renewal or expiry of a national security determination; or
 - (d) any other change in the person’s legal status relevant to retention under this Part,
- the responsible officer must as soon as reasonably practicable provide the person with written notice.
- (3) The written notice must include—
 - (a) the change in the retention period;
 - (b) the new retention period; and
 - (c) the person’s rights in relation to the continued retention of the material.
 - (4) The Department may by regulations make further provision about the form, content and manner of providing information under this section.
 - (5) In this section “responsible officer” means—
 - (a) the Chief Constable, or
 - (b) any person authorised by the Chief Constable for the purposes of this section.
 - (6) Regulations under subsection (3) are subject to negative resolution.”.’

Mr Gerry Carroll

Amendment 39 *[Made]*

Clause 3, Page 18, Line 18

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

Minister of Justice

Amendment 40 *[Made]*

New Clause

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

Chair, Committee for Justice

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

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

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

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 58

[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

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

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

Amendment 79*[Negatived on division]***New Clause**

Before clause 24 insert—

‘Minimum age of criminal responsibility

A24. For Article 3 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (age of responsibility) substitute—

“Age of criminal responsibility

3—(1) Subject to the exceptions in paragraph (2), a child under the age of 14 years shall not be charged with an offence.

(2) A child aged 10 or over may be charged with murder, manslaughter, rape or assault by penetration.”.’

Ms Sian Mulholland

Amendment 80*[Not called]***New Clause**

Before clause 24 insert—

‘Age of criminal responsibility: review

B24.—(1) The Department of Justice must—

(a) during the review period, review the operation of section A24—

(i) generally, and

(ii) with a view to considering the future age of criminal responsibility, and

(b) prepare and publish a report on that review.

(2) The Department must lay a copy of the report before the Northern Ireland Assembly.

(3) In carrying out the review, the Department must consult such persons as it considers appropriate.

(4) The report on the review must be prepared, published and laid before the Northern Ireland Assembly no later than 12 months after the end of the review period.

(5) The “review period” is the period of 5 years beginning with the day on which section A24 comes into force.’

Ms Sian Mulholland

Amendment 81 *[Negatived]*

New Clause

Before clause 24 insert—

‘Minimum age of criminal responsibility

Minimum age of criminal responsibility

A24. For Article 3 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (age of responsibility) substitute—

“Age of criminal responsibility

3. A child under the age of 16 years shall not be charged with any offence.”’

Mr Gerry Carroll

Amendment 82 *[Negatived on division]*

New Clause

Before clause 24 insert—

‘Minimum age of criminal responsibility

A24. For Article 3 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (age of responsibility) insert—

“Age of criminal responsibility

3.—(1) It shall be conclusively presumed that no child under the age of 12 can be guilty of an offence.

(2) It shall be conclusively presumed that no child aged 12 or 13 can be guilty of an offence other than an offence listed in paragraph (3).

(3) For the purposes of paragraph (2), the listed offences are—

- (a) murder,
- (b) attempted murder,
- (c) manslaughter,
- (d) rape,
- (e) assault by penetration.”’

Ms Emma Sheerin
Ms Sian Mulholland
Mr Patsy McGlone

Amendment 83 *[Negatived on division]*

As an amendment to amendment 82

Leave out paragraphs (2) and (3).

*Mr Paul Frew
Mr Maurice Bradley
Mr Brian Kingston*

Amendment 84 *[Negatived on division]*

As an amendment to amendment 82

In paragraph (2), leave out from ‘listed’ to the end of paragraph (3) and insert ‘triable only on indictment.’

*Mr Paul Frew
Mr Maurice Bradley
Mr Brian Kingston*

Amendment 85 *[Not called]*

New Clause

Before clause 24 insert—

‘Review of minimum age of the minimum age of criminal responsibility

A24.—(1) The Department must—

- (a) Review the operation of Section (A24) *[inserted by Amendment 82]*—
 - (i) generally, and
 - (ii) with a view to considering the future age of criminal responsibility, and
- (b) prepare and publish a report on that review.

(2) The Department must lay a copy of the report before the Assembly.

(3) In carrying out the review, the Department must consult such persons as it considers appropriate.

(4) The report on the review must be prepared, published and laid before the Assembly no later than 12 months after the end of the review period.

(5) The “review period” is the period of 5 years beginning with the day on which section A24 comes into force.

(6) The Department may, for a purpose mentioned in subsection (2), require a person mentioned in subsection (3) to provide them with such information as the person holds in relation to the exercise of functions under this Act as it considers appropriate.

(7) The purposes are—

- (a) the carrying out of the review mentioned in subsection 1,
- (b) the monitoring of the exercise of functions following the end of the review period.

(8) The persons are—

- (a) the Chief Constable of the Police Service of Northern Ireland;
- (b) the Northern Ireland Courts and Tribunals Service;
- (c) local authorities;
- (d) the Youth Justice Agency;
- (e) the Northern Ireland Commissioner for Children and Young People;
- (f) the Legal Services Agency Northern Ireland;
- (g) the Probation Board for Northern Ireland;
- (h) the Public Prosecution Service for Northern Ireland.’

Mr Gerry Carroll

Amendment 86 *[Negatived on division]*

New Clause

Before clause 24 insert—

‘Minimum age of criminal responsibility

A24.—(1) For Article 3 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (age of responsibility) substitute—

“Age of responsibility

3.—(1) Subject to paragraph (2), it shall be conclusively presumed that no child under the age of 12 can be guilty of an offence.

(2) The presumption in paragraph (1) does not apply in respect of a child aged 10 or 11 if the Director of Public Prosecutions decides that there is compelling reason to require the prosecution of the child in the public interest.

(3) Before taking a decision under paragraph (2), the Director of Public Prosecutions must take account of—

- (i) the seriousness of the alleged offence or offences,
- (ii) the risk of harm to the public posed by the alleged offender, and
- (iii) the best interests of the child.

(4) Nothing in this Article shall prevent the police from—

- (a) interviewing or investigating a child aged 10 or 11 to seek information in connection with an offence, but only if an appropriate adult is present at all interviews and during the taking of biometric material;
- (b) arresting a child aged 10 or 11 where a police officer has reasonable grounds for suspecting that the child has committed, or is about to commit, an offence;
- (c) charging a child aged 10 or 11 with a criminal offence.

(5) A reference to “offence” in this Article includes any act or omission which, if committed by a person above the age of criminal responsibility, would constitute an offence.

(6) In paragraph (4)(a) “appropriate adult” has the meaning given in Article 3A(4).”.

(2) This section comes into operation on such day falling within the period of 2 years beginning with the date on which this Act receives Royal Assent as the Department may by order appoint.

(3) Before appointing a day under subsection (2) the Department must take reasonable steps to ensure that the following actions have been taken in preparation for the change to the minimum age of criminal responsibility—

- (a) adequate arrangements have been made within the youth justice system, including the provision of such training and guidance as may be necessary to persons and bodies exercising functions in relation to the youth justice system in accordance with section 53 of the Justice (Northern Ireland) Act 2002, and
- (b) the following persons or bodies have updated, where necessary, any relevant code of practice, guidance or other information for which they have responsibility—
 - (i) the Youth Justice Agency,
 - (ii) the Director of Public Prosecutions, and
 - (iii) the Chief Constable of the Police Service of Northern Ireland.

(4) For the purposes of subsection (3) “youth justice system” means the system of criminal justice in so far as it relates to children.’

Mr Doug Beattie

Amendment 87 *[Made]*

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.'

Minister of Justice

Amendment 88 *[Made]*

New Clause

After clause 26 insert—

'Domestic abuse involving threats or harm to animals

Domestic abuse involving threats or harm to animals: amendment of Family Homes and Domestic Violence (Northern Ireland) Order 1998

26A.—(1) The Family Homes and Domestic Violence (Northern Ireland) Order 1998 is amended as follows.

(2) In Article 2 (interpretation)—

(a) in paragraph (2) at the appropriate place insert—

““animal” means, for the purposes of this Order, a vertebrate other than man that—

(a) is under the control of man whether on a permanent or temporary basis, or

(b) is not living in a wild state;”,

(b) after paragraph (5) insert—

“(5A) for the purposes of Articles 11(6)(c), 13(6)(c), 14(6)(c) and 20(1)(c), an animal is cared for by a person if that person participates or has participated in meeting any of the animal's needs as set

out in section 9(2) of the Welfare of Animals Act (Northern Ireland) 2011, whether on a permanent or temporary basis.”.

- (3) In Article 11(6)(c) (occupation orders where applicant has estate, etc or has home rights)—
- (a) after “parties” omit “and”;
 - (b) after “relevant child” insert “, and of any animal owned or cared for by the applicant or by a relevant child”.
- (4) In Article 13(6)(c) (one former spouse or former civil partner with no existing right to occupy)—
- (a) after “parties” omit “and”;
 - (b) after “relevant child” insert “, and of any animal owned or cared for by the applicant or by a relevant child”.
- (5) In Article 14(6)(c) (one cohabitee or former cohabitee with no existing right to occupy)—
- (a) after “parties” omit “and”;
 - (b) after “relevant child” insert “, and of any animal owned or cared for by the applicant or by a relevant child”.
- (6) In Article 20(1) (non-molestation orders)—
- (a) for “either or both” substitute “one or more”;
 - (b) after paragraph (b) insert—
 - “(c) provision prohibiting the respondent from harming, threatening or interfering with any animal that is owned or cared for by the applicant, a relevant child or, in a case falling within paragraph (2)(b), the person for whose benefit the order would be made.”.

Mr Paul Frew

Mr Maurice Bradley

Mr Brian Kingston

Ms Diane Forsythe

Amendment 89 *[Made]*

New Clause

After clause 26 insert—

‘Domestic abuse involving threats or harm to animals: amendment of Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021

26B.—(1) The Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 is amended as follows.

(2) In Section 2 (behaviour amounting to domestic abuse)—

(a) after subsection (2)(c) insert—

- “(d) behaviour directed at or in relation to an animal owned or cared for by B, or by a child of B, that—
- (i) has as its purpose (or among its purposes) one or more of the relevant effects, or
 - (ii) would be considered by a reasonable person to be likely to have one or more of the relevant effects”;

(b) after subsection (4)(b) insert—

“(c) in paragraph (d), “animal” means a vertebrate other than man that—

(i) is under the control of man whether on a permanent or temporary basis, or

(ii) is not living in a wild state,

(d) for the purposes of paragraph (d), an animal is cared for by a person if that person participates or has participated in meeting any of the animal’s needs as set out in section 9(2) of the Welfare of Animals Act (Northern Ireland) 2011, whether on a permanent or temporary basis.”.

(3) In Section 27(6)(d) (domestic abuse protection notices and orders)—

(a) after the first “given” insert “—(i)”;

(b) at end insert—

“and,

(ii) any animal owned or cared for by the person for whose protection a notice is given or any child of that person.”.

(4) In Section 27, after subsection (14) insert—

“(14A) For the purposes of subsection (6)(d)(ii)—

(a) “animal” has the meaning given by section 2(4)(c);

(b) an animal is cared for by a person if that person participates or has participated in meeting any of the animal’s needs as set out in section 9(2) of the Welfare of Animals Act (Northern Ireland) 2011, whether on a permanent or temporary basis.”.’

Mr Paul Frew

Mr Maurice Bradley

Mr Brian Kingston

Ms Diane Forsythe

Amendment 90 *[Made]*

New Clause

After clause 26 insert—

‘Seizure of motor vehicles used in a manner causing alarm, distress or annoyance

Seizure of motor vehicles used in a manner causing alarm, distress or annoyance

26A.—(1) In Article 65 of the Criminal Justice (Northern Ireland) Order 2008 (vehicles used in manner causing alarm, distress or annoyance) omit paragraphs (4) and (5) (power of seizure etc exercisable only if warning given, subject to certain exceptions).

(2) The amendment made by subsection (1) does not apply in relation to the use of a motor vehicle on any occasion before the coming into force of this section.’

Mr Patsy McGlone

Amendment 91 *[Made]*

New Clause

After clause 27 insert—

‘Power to require legal aid remuneration to be determined as set out in regulations

27A.—(1) The Access to Justice (Northern Ireland) Order 2003 is amended as follows.

(2) After Article 12(3) (provision about remuneration for funded services) insert—

“(3A) An order under paragraph (3) may include provision about how any person who, in accordance with the order, is to determine the amount of remuneration may, or must, determine that amount in any case.”.

(3) After Article 24(3) (provision about payments in respect of funded representation) insert—

“(3A) An order under paragraph (3) may include provision about how any person who, in accordance with the order, is to determine the amount of any payment may, or must, determine that amount in any case.”.’

Minister of Justice

Clause 28 *[Question that Clause 28 stand part negatived]*

The Minister gives notice of her intention to oppose the question that clause 28 stand part of the Bill.

Minister of Justice

Amendment 92 *[Made]*

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 (13).

(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 than 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
A sentence of service detention	The term of the sentence plus 1 year	The term of the sentence plus 6 months
Removal from His Majesty's service	1 year	6 months
A service supervision and punishment order under the Armed Forces Act 2006	1 year	6 months
Forfeiture of a specified term of seniority or of all seniority under that Act	1 year	6 months
Reduction in rank or disrating under that Act	1 year	6 months
A severe reprimand or reprimand under that Act	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

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

(11) 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.”.

(12) 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.”.

(13) In paragraph (9), before sub-paragraph (b) insert—

“(aa) “sentence of service detention” means—

- (i) a sentence of service detention (within the meaning given by section 374 of the Armed Forces Act 2006), or a sentence of detention corresponding to such a sentence, in respect of a conviction in service disciplinary proceedings, or
- (ii) any sentence of a kind superseded (whether directly or indirectly) by a sentence mentioned in paragraph (i);”.

(14) 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”.

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

(16) 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).

(17) 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.

(18) In subsections (16) and (17), “the commencement day” means the day on which this section comes into operation.

(19) 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.’

Minister of Justice

Amendment 93 *[Made]*

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.”.’

Minister of Justice

Amendment 94 *[Made]*

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 in accordance with subsections (2) to (8).

(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;
 - (c) 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;
 - (e) 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;
 - (iii) 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(4)(b) of the Criminal Justice (Northern Ireland) Order 2008;
 - (vi) an extended custodial sentence under Article 14(5) of that Order;
 - (vii) any sentence of a kind superseded (whether directly or indirectly) by a sentence falling within sub-paragraph (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 to—
 - (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
 - (c) 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) In section 126A of the Police Act 1997 (Part 5: modifications for Northern Ireland), in subsection (8), after “section 113A(7)” insert “or (7A)”.

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

Minister of Justice

Amendment 95 *[Made]*

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.’

Minister of Justice

Amendment 96 *[Made]*

New Clause

After clause 30 insert—

‘Day of release from detention

Day of release from detention

30A.—(1) The Prison and Young Offenders Centre Rules (Northern Ireland) 1995 are amended as follows.

(2) In rule 30 (Remission of sentence), leave out paragraph (6).

(3) After rule 30 insert—

“Day of release from detention

30A.—(1) A prisoner who would, apart from this paragraph, be discharged on a non-working day shall, subject to paragraph (2), be discharged on the last working day before that non-working day.

(2) The Department may direct that a prisoner who would, apart from this paragraph, be discharged on a working day immediately before a non-working day, must instead be discharged on a day referred to in paragraph (3).

(3) The days are—

(a) the last eligible working day before the day on which the prisoner would otherwise be discharged; or

(b) the last eligible working day before that eligible working day.

(4) In this rule—

“non-working day” means—

(a) a Sunday, Christmas Day or Good Friday,

(b) a Saturday, except in the case of a person who is serving a term of fewer than 8 days,

(c) a bank holiday;

“working day” means a day that is not a non-working day;

“eligible working day” means a working day that is not immediately followed by a non-working day;

“bank holiday” means any day that is a bank holiday in Northern Ireland under section 1 of the Banking and Financial Dealings Act 1971.”’

Mr Paul Frew

Mr Maurice Bradley

Mr Brian Kingston

Amendment 97

[Negatived on division]

New Clause

After clause 30 insert—

‘Accommodation of women prisoners

Accommodation of women prisoners

30A. In Rule 90 of the Prison and Young Offenders Centre Rules (Northern Ireland) 1995 at end insert—

“(3A) The Department of Justice must issue guidance on the operation of this rule.

(3B) Nothing in this rule shall prevent the Department of Justice from making individualised accommodation arrangements for a prisoner, in accordance with guidance issued under paragraph (3A), where the Department considers it necessary to do so to safeguard the welfare or dignity of a prisoner, provided that the arrangements do not include the accommodation of a man in prison accommodation in which one or more women are held.

(3C) In this rule “man” and “woman” (or “women”) have the meaning given by section 212(1) of the Equality Act 2010.”.’

Mr Timothy Gaston

Amendment 98 *[Made]*

Clause 31, Page 42, Line 36

Leave out ‘repeal, revoke or otherwise modify’

Minister of Justice

Amendment 99 *[Made]*

Clause 31, Page 42, Line 38

After ‘subsection (1)’ insert ‘or under section 3(10)’

Minister of Justice

Amendment 100 *[Made]*

Clause 31, Page 43, Line 8

At end insert—

‘(5) In this section “amend” includes repeal, revoke or otherwise modify.’

Minister of Justice

Amendment 101 *[Made]*

Clause 33, Page 43, Line 15

After ‘27’ insert ‘, 27A’

Minister of Justice

Amendment 102 *[Made]*

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.’

Minister of Justice

Amendment 103 *[Made]*

Clause 33, Page 43, Line 22

At end insert—

‘(c) sections 28A and 28B (which relate to rehabilitation periods for convictions).’

Minister of Justice

Amendment 104 *[Made]*

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.’

Chair, Committee for Justice

Amendment 105 *[Made]*

Schedule 1, Page 45, Line 7

Leave out ‘63G(4)(c)’ and insert ‘63G(4A)’

Minister of Justice

Amendment 106 *[Made]*

Schedule 2, Page 45, Line 20

Leave out ‘section 1’ and insert ‘this Act’

Minister of Justice

Amendment 107 *[Made]*

Schedule 2, Page 45, Line 21

Leave out ‘63E(10)’ and insert ‘53B(1A)’

Minister of Justice

Amendment 108 *[Made]*

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’

Minister of Justice

Amendment 109 *[Made]*

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.’

Minister of Justice

Amendment 110 *[Made]*

Schedule 2, Page 46

Leave out lines 31 and 32

Minister of Justice

Amendment 111 *[Made]*

Schedule 2, Page 47, Line 2

At end insert—

‘(1A) In this Part, any reference to a person being given a caution (including any reference to a person being convicted which, by virtue of paragraph (1)(a), includes a reference to the person being given a caution) includes a reference to the person being given an informed warning or a restorative caution.

(1B) The Department may by regulations amend paragraph (1A) to reflect a change in nomenclature of the disposals mentioned in that paragraph.’

Minister of Justice

Amendment 112 *[Made]*

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)’

Minister of Justice

Amendment 113 *[Made]*

Schedule 2, Page 47, Line 10

At end insert—

- ‘(b) in paragraph (6) (as substituted by section 8(3) of the Crime and Security Act 2010), for the words from “or” at the end of sub-paragraph (a) to the end of the paragraph substitute “and
- (b) either of the conditions mentioned in paragraph (6ZA) is met.”;
- (c) in paragraph (6ZA)(a) (as substituted by that subsection), omit “or cautioned”.’

Minister of Justice

Amendment 114 *[Made]*

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”.’

Minister of Justice

Amendment 115 *[Made]*

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)—
 - (i) for “or informed that he will be reported” substitute “or a complaint has been laid against him”;

(ii) in sub-paragraph (c), for “64ZA” substitute “63W”;

Minister of Justice

Amendment 116 *[Made]*

Schedule 2, Page 47, Line 17

At end insert—

‘(c) in paragraph (3B) (as substituted by section 8(7) of the Crime and Security Act 2010), for the words from “or” at the end of sub-paragraph (a) to the end of the paragraph substitute “and

(b) either of the conditions mentioned in paragraph (3BA) is met.”;

(d) in paragraph (3BA)(a) (as substituted by that subsection), omit “or cautioned”.’

Minister of Justice

Amendment 117 *[Made]*

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”.’

Minister of Justice

Amendment 118 *[Made]*

Schedule 2, Page 48, Line 1

After ‘Article’ insert ‘53B(1B),’

Minister of Justice

Amendment 119 *[Made]*

Schedule 2, Page 48, Line 4

Leave out sub-paragraph (3)

Minister of Justice

Amendment 120 *[Made]*

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 3 (fingerprinting: persons convicted etc in Northern Ireland)—

(a) in sub-paragraph (2)(a), omit “or cautioned”;

(b) in sub-paragraph (5), omit “or caution”.

(4) 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”.

(5) In paragraph 11 (non-intimate samples: persons convicted etc in Northern Ireland)—

(a) in sub-paragraph (2)(a), omit “or cautioned”;

(b) in sub-paragraph (5), omit “or caution”.’

Minister of Justice

Amendment 121 *[Made]*

Schedule 4, Page 53, Line 6

Leave out paragraph 8.

Minister of Justice

Amendment 122 *[Not called]*

Schedule 4, Page 60, line 21

Leave out paragraph 36.

Ms Emma Sheerin
Ms Aoife Finnegan
Mrs Ciara Ferguson

Amendment 123 *[Made]*

New Schedule

After Schedule 4 insert—

‘SCHEDULE 5

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).”.

Minister of Justice

Amendment 124 *[Made]*

New Schedule

After Schedule 4 insert—

‘SCHEDULE 5

Section 21F.

PUBLIC AUTHORITIES FOR THE PURPOSES OF SECTION 21F

Executive authorities

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).

Local government

3. A district council.
4. The Local Government Staff Commission for Northern Ireland.

Police and justice

5. A constable.
6. The Police Service of Northern Ireland.
7. Any body of constables appointed under Article 19 of the Airports (Northern Ireland) Order 1994.
8. 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.
9. The Attorney General for Northern Ireland.
10. The Director of Public Prosecutions for Northern Ireland.
11. The Police Ombudsman for Northern Ireland.
12. The Probation Board for Northern Ireland.
13. The Director of the Serious Fraud Office.
14. His Majesty's Revenue and Customs.
15. The National Crime Agency.

Health and social care

16. A Health and Social Care trust.
17. The Health and Social Care Regulation and Quality Improvement Authority.
18. The Regional Agency for Public Health and Social Well-being.
19. The Regional Business Services Organisation.

Other authorities

20. The Northern Ireland Housing Executive.
21. The Northern Ireland Transport Holding Company and any subsidiary of it.
22. Northern Ireland Water Limited and any subsidiary of it.'

Minister of Justice

New Schedule

After Schedule 4 insert—

‘SCHEDULE 5A

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.’

Minister of Justice

New Schedule

After Schedule 4 insert—

‘SCHEDULE 5

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, and
- (b) 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;
- (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;

(iii) 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

(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

(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).

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”.’

Minister of Justice

Amendment 127 *[Made]*

New Schedule

After Schedule 4 insert—

‘SCHEDULE 5

Section 23B.

PART TO BE INSERTED AS PART 7A OF THE POLICE (NORTHERN IRELAND) ACT 1998

1. In the Police (Northern Ireland) Act 1998, after Part 7 insert—

“PART 7A

POLICE BARRED LIST AND POLICE ADVISORY LIST

Police barred list

65A Duty to maintain barred list

(1) The Chief Constable must maintain a list of persons to be known as the police barred list for Northern Ireland (“the barred list”).

(2) The barred list must include such information in relation to a person included in the list as is specified in regulations made by the Department of Justice.

(3) Regulations under this section may confer a discretion on the Chief Constable.

65B Inclusion of certain police officers and police support staff

(1) The Chief Constable must include a person in the barred list where—

- (a) the person ceases to be a member of the police force by virtue of being dismissed, or required to resign, at proceedings conducted under regulations made pursuant to section 25(3) or 26(3);
- (b) the person is a former member of the police force and there is 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 member of the police force;
- (c) the person ceases to be a member of the police support staff by virtue of being dismissed and the reason, or one of the reasons, for the dismissal relates to conduct, efficiency or effectiveness.

(2) But subsection (1) does not apply where the person ceases to be a senior officer of the Police Service of Northern Ireland, is a former senior officer of the Police Service of Northern Ireland, or ceases to be a senior employee of the Board (as to which, see section 65C).

(3) In subsection (1)(b), “disciplinary proceedings” means proceedings conducted under regulations made in pursuance of section 25(3A) or 26(3A).

(4) A person is dismissed for the purposes of subsection (1)(c) if the circumstances in which the person ceases to be a member of the police support staff amount to dismissal within the meaning of Part 10 of the Employment Rights (Northern Ireland) Order 1996 (see Article 127 of that Order).

65C Inclusion of senior officers and senior police support staff

(1) The Chief Constable must include a person in the barred list where the person is reported to the Chief Constable under subsection (2).

(2) The Board must report a person to the Chief Constable where—

- (a) the person ceases to be a senior officer of the Police Service of Northern Ireland by virtue of being dismissed, or required to resign, at proceedings conducted under regulations made in pursuance of section 25(3);
- (b) the person is a former senior officer of the Police Service of Northern Ireland and there is 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 member of the police force;
- (c) the person ceases to be a senior employee of the Board by virtue of being dismissed and the reason, or one of the reasons, for the dismissal relates to conduct, efficiency or effectiveness.

(3) A report under subsection (2) must—

- (a) be made within such period as is specified in regulations made by the Department of Justice;
- (b) include such information as is so specified.

(4) In subsection (2)(b), “disciplinary proceedings” means proceedings conducted under regulations made in pursuance of section 25(3A).

(5) A person is dismissed for the purposes of subsection (2)(c) if the circumstances in which the person ceases to be a member of the police support staff amount to dismissal within the meaning of Part 10 of the Employment Rights (Northern Ireland) Order 1996 (see Article 127 of that Order).

65D Inclusion of airport police, harbour police and support staff

(1) The Chief Constable must include a person in the barred list where the person is reported to the Chief Constable under subsection (2).

(2) The relevant transport authority must report a person to the Chief Constable where the person ceases to be a member of any of the following by virtue of being dismissed and the reason, or one of the reasons, for the dismissal relates to conduct, efficiency or effectiveness—

- (a) any airport police;
- (b) any airport police support staff;
- (c) any harbour police;
- (d) any harbour police support staff.

(3) A report under subsection (2) must—

- (a) be made within such period as is specified in regulations made by the Department of Justice;
- (b) include such information as is so specified.

(4) In subsection (2), “the relevant transport authority” means—

- (a) in relation to a person who was a member of any airport police, the airport operator with control over the airport police;
- (b) in relation to a person who was a member of any airport police support staff, the airport operator who employed the person;
- (c) in relation to a person who was a member of any harbour police, the harbour authority with responsibility for maintaining the harbour police;
- (d) in relation to a person who was a member of any harbour police support staff, the harbour authority who employed the person.

(5) An airport operator or harbour authority may delegate the function of making a report under this section or any of sections 65G, 65L and 65P.

(6) A person is dismissed for the purposes of subsection (2) if the circumstances in which the person ceases to be a member of a body referred to in subsection (2) amount to dismissal within the meaning of Part 10 of the Employment Rights (Northern Ireland) Order 1996 (see Article 127 of that Order).

65E Inclusion of other employees, seconded staff and contracted staff

(1) The Chief Constable must include a person in the barred list where the person is reported to the Chief Constable under subsection (2).

(2) The relevant employer must report a person to the Chief Constable where—

- (a) the person ceases to be a person designated under section 31 of the Police (Northern Ireland) Act 2003 by virtue of being dismissed and the reason, or one of the reasons, for the dismissal relates to conduct, efficiency or effectiveness.
- (b) the person ceases to be a member of any of the following by virtue of being dismissed and the reason, or one of the reasons, for the dismissal relates to conduct, efficiency or effectiveness—
 - (i) the staff of the Board;
 - (ii) the staff of the Ombudsman;
- (c) the person ceases to be an employee of the civil service by virtue of being dismissed and the reason, or one of the reasons, for the dismissal relates to conduct, efficiency or effectiveness during a period when the person was engaged under—
 - (i) paragraph 3(2) of Schedule 3 to provide administrative, secretarial or other assistance to the Ombudsman;

- (ii) section 4(4) of the Police (Northern Ireland) Act 2000 to provide assistance to the police;
 - (iii) paragraph 13(2) of Schedule 1 to that Act to provide administrative, secretarial or other assistance to the Board.
- (3) A report under subsection (2) must—
- (a) be made within such period as is specified in regulations made by the Department of Justice;
 - (b) include such information as is so specified.
- (4) In subsection (2), “the relevant employer” means—
- (a) in relation to a person who was designated under section 31 of the Police (Northern Ireland) Act 2003, the person by whom the designated person was employed;
 - (b) in relation to a person who was a member of staff of the Board, the Board;
 - (c) in relation to a person who was a member of staff of the Ombudsman, the Ombudsman;
 - (d) in relation to a person who was an employee of the civil service, the government department, officer or body under or for whose purpose the person was employed.
- (5) A person is dismissed for the purposes of any of subsection (2)(a) to (c) if the circumstances in which the person ceases to hold a position referred to in the paragraph amount to dismissal within the meaning of—
- (a) in the case of a person who ceases to be an employee of the civil service of the United Kingdom, Part 10 of the Employment Rights Act 1996 (see section 95 of that Act), or
 - (b) in any other case, Part 10 of the Employment Rights (Northern Ireland) Order 1996 (see Article 127 of that Order).

65F Effect of inclusion in barred list

- (1) Before employing or appointing any person, a law enforcement employer must check the barred list to ascertain whether the proposed employee or proposed appointee is a barred person.
- (2) A law enforcement employer may not employ a barred person or otherwise appoint a barred person to any position.
- (3) For the purposes of this section a person who is to be seconded to work for a law enforcement employer, and who will not be employed by that person, is to be regarded as being appointed by that person.
- (4) Before designating a person under section 31 of the Police (Northern Ireland) Act 2003, the Chief Constable must check the barred list to ascertain whether the person is a barred person.
- (5) The Chief Constable may not designate a barred person under section 31 of the Police (Northern Ireland) Act 2003.
- (6) The Chief Constable, the Board or the Ombudsman may not enter into a contract for the provision of services if the terms of the contract would permit a barred person to be involved in the exercise of relevant public functions.
- (7) For the meaning of “law enforcement employer” and “relevant public functions” see section 65R.

65G Removal from barred list

- (1) The Chief Constable must remove a person from the barred list where—
 - (a) the person is included in the barred list by virtue of section 65B(1) and subsection (2) applies in respect of the person, or

- (b) the Chief Constable receives a further report in relation to the person under subsection (3), (4) or (5).
- (2) This subsection applies in respect of a person where—
 - (a) in the case of a person falling within section 65B(1)(a), the decision to dismiss the person, or to require the person to resign, is set aside at proceedings conducted under regulations made pursuant to section 25 or 26;
 - (b) in the case of a person falling within section 65B(1)(b), the finding that the person would have been dismissed, or required to resign, is set aside at proceedings conducted under regulations made pursuant to section 25 or 26;
 - (c) in the case of a person falling within section 65B(1)(c), the dismissal is found to have been an unfair dismissal—
 - (i) following a complaint under Article 145 of the Employment Rights (Northern Ireland) Order 1996, and
 - (ii) whether by an employment tribunal or on appeal.
- (3) The Board must make a further report to the Chief Constable in relation to a person included in the barred list by virtue of section 65C(1) where—
 - (a) in the case of a person falling within section 65C(2)(a), the decision to dismiss the person, or to require the person to resign, is set aside at proceedings conducted under regulations made pursuant to section 25;
 - (b) in the case of a person falling within section 65C(2)(b), the finding that the person would have been dismissed, or required to resign, is set aside at proceedings conducted under regulations made pursuant to section 25;
 - (c) in the case of a person falling within section 65C(2), the dismissal is found to have been an unfair dismissal—
 - (i) following a complaint under Article 145 of the Employment Rights (Northern Ireland) Order 1996, and
 - (ii) whether by an employment tribunal or on appeal.
- (4) The relevant transport authority must make a further report to the Chief Constable in relation to a person included in the barred list by virtue of section 65D(1) where the dismissal is found to have been an unfair dismissal—
 - (a) following a complaint under Article 145 of the Employment Rights (Northern Ireland) Order 1996, and
 - (b) whether by an employment tribunal or on appeal.
- (5) The relevant employer must make a further report to the Chief Constable in relation to a person included in the barred list by virtue of section 65E(1) where the dismissal is found to have been an unfair dismissal—
 - (a) following a complaint under Article 145 of the Employment Rights (Northern Ireland) Order 1996 or section 111 of the Employment Rights Act 1996, and
 - (b) whether by an employment tribunal or on appeal.
- (6) A report under subsection (3), (4) or (5) must—
 - (a) be made within such period as is specified in regulations made by the Department of Justice;
 - (b) include such information as is so specified.

(7) The Department of Justice may by regulations make provision in connection with the removal of a person from the barred list otherwise than under subsection (1).

(8) Regulations under subsection (7) may confer functions on the Chief Constable including functions which involve the exercise of a discretion.

(9) In this section—

“the relevant employer” has the meaning given by section 65E(4).

“the relevant transport authority” has the meaning given by section 65D(4);

65H Power to disclose information in barred list

(1) The Chief Constable may, if the Chief Constable considers it to be in the public interest to do so, disclose to a person listed in subsection (2) information included in the barred list which relates to a particular person who is included in that list.

(2) The persons referred to in subsection (1) are—

- (a) the Board;
- (b) the Ombudsman;
- (c) a harbour authority with responsibility for maintaining harbour police;
- (d) an airport operator with control over airport police;
- (e) a person of a description specified in regulations made by the Department of Justice.

(3) A person may be specified in regulations under subsection (2)(e) only if the person has relevant public functions (as to which, see section 65R).

Police advisory list

65I Duty to maintain advisory list

(1) The Chief Constable must maintain a list of persons to be known as the police advisory list for Northern Ireland (“the advisory list”).

(2) The advisory list must include such information in relation to a person included in the list as is specified in regulations made by the Department of Justice.

(3) Regulations under this section may confer a discretion on the Chief Constable.

65J Inclusion of certain police officers and police support staff

(1) The Chief Constable must include a person in the advisory list if the person falls within subsection (2) or (4) (but this is subject to subsection (5)).

(2) A person falls within this subsection if the person ceases to be a member of the police force or the police support staff by resigning or retiring—

- (a) after a relevant allegation about the person came to the attention of the Chief Constable, but
- (b) before disciplinary proceedings in respect of the allegation are brought or, if brought, before they are concluded.

(3) But a person does not fall within subsection (2) if, before the person resigned or retired, it was determined that no disciplinary proceedings would be brought against the person in respect of the allegation.

(4) A person falls within this subsection if—

- (a) the person ceases to be a member of the police force by resigning or retiring, and
 - (b) a relevant allegation about the person comes to the attention of the Chief Constable after the person resigned or retired.
- (5) Subsection (1) does not apply where the person ceases to be a senior officer of the Police Service of Northern Ireland, or a senior employee of the Board (as to which, see section 65K).
- (6) For the purposes of this section an allegation about a person is a relevant allegation if—
- (a) it relates to the conduct, efficiency or effectiveness of the person, and
 - (b) it is of a type that, if proved and if the person had not resigned or retired, might have resulted in the person being dismissed, or required to resign, as described in section 65B(1)(a) or (c).
- (7) In this section, “disciplinary proceedings” means—
- (a) in relation to a person who has ceased to be a member of the police force by resigning or retiring, proceedings conducted under regulations made in pursuance of section 25 or 26;
 - (b) in relation to a person who has ceased to be a member of the police support staff by resigning or retiring, any proceedings that are identified as disciplinary proceedings in relation to such a person by regulations made by the Department of Justice.

65K Inclusion of senior officers and senior police support staff

- (1) The Chief Constable must include a person in the advisory list if the person is reported to the Chief Constable under subsection (2) or (4).
- (2) The Board must report a person to the Chief Constable if the person ceases to be a senior officer of the Police Service of Northern Ireland or a senior employee of the Board by resigning or retiring—
- (a) after a relevant allegation about the person came to the attention of the Board, but
 - (b) before disciplinary proceedings in respect of the allegation are brought or, if brought, before they are concluded.
- (3) But the duty in subsection (2) does not apply if, before the person resigned or retired, it was determined that no disciplinary proceedings would be brought against the person in respect of the allegation.
- (4) The Board must report a person to the Chief Constable if—
- (a) the person ceases to be a senior officer of the Police Service of Northern Ireland by resigning or retiring, and
 - (b) a relevant allegation about the person comes to the attention of the Board after the person resigned or retired.
- (5) A report under subsection (2) or (4)—
- (a) must be made within such period as is specified in regulations made by the Department of Justice;
 - (b) must include such information as is so specified.
- (6) For the purposes of this section, an allegation about a person is a relevant allegation if—
- (a) it relates to the conduct, efficiency or effectiveness of the person, and
 - (b) it is of a type that, if proved and if the person had not resigned or retired, might have resulted in the person being dismissed, or required to resign, as described in any of section 65C(2)(a), or (c).
- (7) In this section, “disciplinary proceedings” means—

- (a) in relation to a person who has ceased to be a senior officer of the Police Service of Northern Ireland by resigning or retiring, proceedings conducted under regulations made in pursuance of section 25;
- (b) in relation to a person who has ceased to be a senior employee of the Board by resigning or retiring, any proceedings that are identified as disciplinary proceedings in relation to such a person by regulations made by the Department of Justice.

65L Inclusion of airport police, harbour police and support staff

(1) The Chief Constable must include a person in the advisory list if the person is reported to the Chief Constable under subsection (2).

(2) The relevant transport authority must report a person to the Chief Constable if—

(a) the person, by resigning or retiring, ceases to be a member of—

- (i) any airport police;
- (ii) any airport police support staff;
- (iii) any harbour police;
- (iv) any harbour police support staff; and

(b) the condition in subsection (3) is met in relation to the person.

(3) The condition is that the resignation or retirement took place—

- (a) after a relevant allegation about the person came to the attention of the relevant transport authority, but
- (b) before disciplinary proceedings in respect of the allegation were brought or, if brought, before they concluded.

(4) But the condition in subsection (3) is not met if, before the person resigned or retired, it was determined that no disciplinary proceedings would be brought against the person in respect of the allegation.

(5) A report under subsection (2)—

- (a) must be made within such period as is specified in regulations made by the Department of Justice;
- (b) must include such information as is so specified.

(6) For the purposes of subsection (3)(a), an allegation about a person is a relevant allegation if—

- (a) it relates to the conduct, efficiency or effectiveness of the person, and
- (b) it is of a type that, if proved and if the person had not resigned or retired, might have resulted in the person being dismissed as described in any of section 65D(2).

(7) In this section—

“disciplinary proceedings” means any proceedings that are identified as such by regulations made by the Department of Justice;

“relevant transport authority” has the meaning given by section 65D(4).

65M Inclusion of employees, seconded staff and contracted staff

(1) The Chief Constable must include a person in the advisory list if the person is reported to the Chief Constable under subsection (2).

(2) The relevant employer must report a person to the Chief Constable if—

- (a) the person, by resigning or retiring, ceases to be—
 - (i) a person designated under section 31 of the Police (Northern Ireland) Act 2003;
 - (ii) a member of the staff of the Board;
 - (iii) a member of staff of the Ombudsman;
 - (iv) an employee of the civil service; and
- (b) the condition in subsection (3) is met in relation to the person.
- (3) The condition is that the resignation or retirement took place—
 - (a) after a relevant allegation about the person came to the attention of the relevant employer, but
 - (b) before disciplinary proceedings in respect of the allegation were brought or, if brought, before they concluded.
- (4) But the condition in subsection (3) is not met if, before the person resigned or retired, it was determined that no disciplinary proceedings would be brought against the person in respect of the allegation.
- (5) A report under subsection (2)—
 - (a) must be made within such period as is specified in regulations made by the Department of Justice;
 - (b) must include such information as is so specified.
- (6) For the purposes of subsection (3)(a), an allegation about a person is a relevant allegation if—
 - (a) it relates to the conduct, efficiency or effectiveness of the person, and
 - (b) it is of a type that, if proved and if the person had not resigned or retired, might have resulted in the person being dismissed as described in any of section 65E(2).
- (7) Subsection (6) applies in respect of a person who ceases to be an employee of the civil service as if the reference to the conduct, efficiency or effectiveness of the person were a reference to the conduct, efficiency or effectiveness of the person during a period when the person was engaged under—
 - (a) paragraph 3(2) of Schedule 3 to provide administrative, secretarial or other assistance to the Ombudsman;
 - (b) section 4(4) of the Police (Northern Ireland) Act 2000 to provide assistance to the police;
 - (c) paragraph 13(2) of Schedule 1 to that Act to provide administrative, secretarial or other assistance to the Board.
- (8) In this section—
 - “disciplinary proceedings” means any proceedings that are identified as such by regulations made by the Department of Justice;
 - “relevant employer” has the meaning given by section 65E(4).

65N Effect of inclusion in advisory list

- (1) Before employing or appointing any person, a law enforcement employer must check the advisory list to ascertain whether the proposed employee or proposed appointee is included in the list.

(2) For the purposes of this section a person who is to be seconded to work for a law enforcement employer, and who will not be employed by that person, is to be regarded as being appointed by that person.

(3) Before designating a person under section 30, 30A or 31 of the Police (Northern Ireland) Act 2003, the Chief Constable must check the advisory list to ascertain whether the person is included in the list.

(4) For the meaning of “law enforcement employer”, see section 65R.

65P Removal from advisory list

(1) The Chief Constable must remove a person from the advisory list if—

- (a) the person was included in the list by virtue of section 65J(1) and subsection (2) applies in respect of the person,
- (b) the Chief Constable receives a further report in relation to the person under subsection (3), or
- (c) the person is included in the barred list.

(2) This subsection applies in respect of a person if—

- (a) it is determined that no disciplinary proceedings will be brought against the person,
- (b) the disciplinary proceedings brought against the person are withdrawn, or
- (c) the disciplinary proceedings brought against the person are concluded without there being a finding that the person would have been dismissed or required to resign.

(3) The relevant authority must make a further report to the Chief Constable in relation to a person where—

- (a) the relevant authority has reported a person to the Chief Constable under section 65K(2) or (4), 65L(2), or 65M(2), and
- (b) subsection (2) applies in respect of the person.

(4) A report under subsection (3) must—

- (a) be made within such period as is specified in regulations made by the Department of Justice;
- (b) include such information as is so specified.

(5) The Department of Justice may by regulations make provision in connection with the removal of a person from the advisory list otherwise than under subsection (1).

(6) Regulations under subsection (5) may confer functions on the Chief Constable including functions which involve the exercise of a discretion.

(7) In this section—

“disciplinary proceedings” means—

- (a) in relation to a person who has ceased to be a member of the police force by resigning or retiring, proceedings conducted under regulations made in pursuance of section 25 or 26;
- (b) in any other case, any proceedings that are identified as such by regulations made by the Department of Justice;

“the relevant authority” means the Board, the relevant transport authority or the relevant employer;

“the relevant employer” has the same meaning as in section 65E(4);

“the relevant transport authority” has the meaning given by section 65D(4).

65Q Power to disclose information in advisory list

(1) The Chief Constable may, if the Chief Constable considers it to be in the public interest to do so, disclose to a person listed in subsection (2) information included in the advisory list which relates to a particular person who is included in that list.

(2) The persons referred to in subsection (1) are—

- (a) the Board;
- (b) the Ombudsman;
- (c) a harbour authority with responsibility for maintaining harbour police;
- (d) an airport operator with control over airport police;
- (e) a person of a description specified in regulations made by the Department of Justice.

(3) A person may be specified in regulations under subsection (2)(e) only if the person has relevant public functions (as to which, see section 65R).

Supplementary

65R Meaning of “law enforcement employer” and “relevant public functions”

(1) In this Part, “law enforcement employer” means—

- (a) the Chief Constable;
- (b) the Board;
- (c) the Ombudsman;
- (d) a harbour authority with responsibility for maintaining harbour police, when exercising functions relating to the harbour police;
- (e) an airport operator with control over airport police, when exercising functions relating to the airport police;
- (f) a person of a description specified in regulations made by the Department of Justice.

(2) A person may be specified in regulations under subsection (1)(f) only if the person has relevant public functions exercisable in, or in relation to, Northern Ireland.

(3) If a person has both relevant public functions and other functions, the person may be specified only—

- (a) in relation to the exercise of the person's relevant public functions, or
- (b) in relation to the exercise of such of those relevant public functions as are of a description specified in the regulations.

(4) In this Part, “relevant public functions” means functions of a public nature that relate to policing or law enforcement.

65S Interpretation

In this Part—

“advisory list” has the meaning given by section 65I(1);

“airport operator” has the meaning given by Article 2(2) of the Airports (Northern Ireland) Order 1994;

“airport police” means any body of constables appointed under Article 19 of the Airports (Northern Ireland) Order 1994, and a reference to a member of any airport police is to a constable so appointed;

“barred list” has the meaning given by section 65A(1);

“barred person” means a person who is included in the barred list by virtue of section 65B(1), 65C(1), 65D(1) or 65E(1);

“harbour authority” has the meaning given by section 38(2) of the Harbours Act (Northern Ireland) 1970;

“harbour police” means—

(a) any body of special constables appointed in Northern Ireland under section 79 of the Harbours, Docks, and Piers Clauses Act 1847, or

(b) any body of constables appointed under an order made under section 1 of the Harbours Act (Northern Ireland) 1970;

and a reference to a member of any harbour police is to a constable so appointed;

“law enforcement employer” has the meaning given by section 65R(1);

“member of a harbour police support staff” means a person employed by a harbour authority, and under the direction and control of a chief of harbour police who is not a member of the harbour police;

“member of an airport police support staff” means a person employed by an airport operator, and under the direction and control of a chief of airport police who is not a member of the airport police;

“member of the staff of the Board” means a person employed under paragraph 13(1) of Schedule 1 to the Police (Northern Ireland) Act 2000;

“member of the staff of the Ombudsman” means a person employed under paragraph 3(1) of Schedule 3;

“relevant public functions” has the meaning given by section 65R(4);

“senior employee of the Board” means an employee of such class or description as may be specified in regulations made under section 4(7) of the Police (Northern Ireland) Act 2000.”.

Minister of Justice

New Schedule

After Schedule 4 insert—

‘SCHEDULE 5

Section 23A.

REPEAL OF PUBLIC ORDER OFFENCES: CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS RELATING TO SECTION 4 OF THE VAGRANCY ACT 1824

Public Health Acts Amendment Act 1907

1. In section 81 of the Public Health Acts Amendment Act 1907, omit the words from “shall”, in the first place it occurs, to “public place, and”.

Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1935

2. Section 57 of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1935 is repealed.

House to House Charitable Collections Act (Northern Ireland) 1952

3. In section 2(3) of the House to House Charitable Collections Act (Northern Ireland) 1952, omit paragraph (c).

Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1958

4. Section 18 of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1958 is repealed.

New Towns Act (Northern Ireland) 1965

5. In section 20(4) of the New Towns Act (Northern Ireland) 1965, omit “or against section 4 of the Vagrancy Act 1824”.

Theft Act (Northern Ireland) 1969

6. In Schedule 2 to the Theft Act (Northern Ireland) 1969, omit the entry relating to the Vagrancy Act 1824.

Criminal Attempts and Conspiracy (Northern Ireland) Order 1983

7. Article 7 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 is repealed.

Magistrates' Courts Rules (Northern Ireland) 1984

8. In Rule 122(1) of the Magistrates' Courts Rules (Northern Ireland) 1984, omit sub-paragraph (a).

Education and Libraries (Northern Ireland) Order 1986

9. In Article 37(3) of the Education and Libraries (Northern Ireland) Order 1986, omit “or against section 4 of the Vagrancy Act 1824”.

Recreation and Youth Service (Northern Ireland) Order 1986

10. In Article 10(4) of the Recreation and Youth Service (Northern Ireland) Order 1986, omit “or against section 4 of the Vagrancy Act 1824”.

Museums and Galleries (Northern Ireland) Order 1998

11.—(1) The Museums and Galleries (Northern Ireland) Order 1998 is amended as follows.

(2) In Article 7(2) omit—

(a) the “or” at the end of sub-paragraph (a);

(b) sub-paragraph (b).

(3) In Article 13(2), omit “or against section 4 of the Vagrancy Act 1824”.

Justice Act (Northern Ireland) 2011

12. In Schedule 7 to the Justice Act (Northern Ireland) 2011, omit paragraph 1 and the italic heading immediately before that paragraph.

PART 2

AMENDMENTS RELATING TO THE REPEAL OF THE VAGRANCY (IRELAND) ACT 1847

Magistrates' Courts Rules (Northern Ireland) 1984

13. In Rule 122(1) of the Magistrates' Courts Rules (Northern Ireland) 1984, omit sub-paragraph (b).

Police (Northern Ireland) Act 2003

14.—(1) Schedule 2A to the Police (Northern Ireland) Act 2003 is amended as follows.

(2) In paragraph 2(4), omit paragraph (a).

(3) In paragraph 4—

(a) omit sub-paragraph (4);

(b) in sub-paragraphs (5) and (6), omit “or (4)”.

Justice Act (Northern Ireland) 2015

15. In Schedule 1 to the Justice Act (Northern Ireland) 2015, omit paragraph 17 and the italic heading before that paragraph.’

Minister of Justice

Amendment 129

[Made]

New Schedule

After Schedule 4 insert—

‘SCHEDULE 5

Section 29A.

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 day care);
 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 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 under 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 day care);
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 (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).

37. An offence under section 184(1) of the Online Safety Act 2023 (encouraging or assisting serious self-harm).

International

38. 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

39. 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).

40. 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).

41. 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).

42. 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

43. 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.

44. 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).

45. 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.).

46. 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).

47. 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).

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

49. 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).

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

51. 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 so far as is 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

52. 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).

53. 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).

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

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

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

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

58. 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).

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

60. 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 or serious alarm or distress).

61. 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).

62. 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).

63. 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).

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

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

Property

66. 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).

67. 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

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

69. 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).

70. 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).

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

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

73. 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).

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

Proceeds of crime

75. 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

76. 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).

77. 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

78. 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).

79. 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

80. An offence of exposure with intent to insult a female under section 4 of the Vagrancy Act 1824.

81. An offence of wilful and indecent exposure under section 28 of the Town Police Clauses Act 1847.

82. 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.).

83. An offence under section 1 of the Vagrancy Act 1898 (living on earnings of prostitution; soliciting or importuning in public place).

84. 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).

85. 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).

86. 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 (indecent between men);
section 14 (indecent assault on a woman);
section 17 (abduction of woman by force or 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 (procurement 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).

87. An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards young child).

88. 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).

89. 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).

90. 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).

91. An offence under section 54 of the Criminal Law Act 1977 (inciting a girl under 16 to have incestuous sexual intercourse).

92. An offence under Article 3 of the Sexual Offences (Northern Ireland) Order 1978 (rape).

93. An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children).

94. An offence under Article 3(1) of the Protection of Children (Northern Ireland) Order 1978 (indecent photographs of children).

95. An offence under section 80(7) of the Criminal Justice (Scotland) Act 1980 (offences relating to certain homosexual acts).

96. An offence under Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (inciting a girl under 16 to commit incest).

97. 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).

98. An offence under Article 15 of the Criminal Justice (Evidence, etc.) (Northern Ireland) Order 1988 (possession of indecent photograph of child).

99. 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).

100. An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of position of trust).

101. 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).

102. 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).

103. 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).

104. An offence under section 63(1) of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images).

105. 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).

106. 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).

107. An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children).

108. An offence under section 69 of the Serious Crime Act 2015 (possession of a paedophile manual).

109. An offence under section 71 of the Justice Act (Northern Ireland) 2015 (offences relating to violent offences prevention orders).

110. An offence under section 51 of the Justice Act (Northern Ireland) 2016 (disclosing private sexual photographs and films with intent to cause distress).

111. 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

112. 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).

113. An offence under section 22 of the Criminal Justice (Scotland) Act 2003 (traffic in prostitution etc.).

114. An offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation).

115. 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).

116. 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

117. An offence under Article 3 of the Criminal Law (Amendment) (Northern Ireland) Order 1977 (bomb hoaxes).

118. An offence under section 1 of the Taking of Hostages Act 1982 (hostage taking or threats to kill or injure).

119. 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).

120. 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).

121. 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).

122. 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);
- section 10 (misuse of devices or material and misuse and damage of facilities);
- section 11 (terrorist threats relating to devices or materials or facilities).

123. 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 12 of Schedule 4 (obtaining compensation by deception).

Vehicles and transport

124. An offence under section 35 of the Malicious Damage Act 1861 (interfering with railway line with intention to damage or obstruct train).

125. An offence under section 27 of the Merchant Shipping Act 1970 (conduct endangering ship or persons on board ship).

126. An offence under section 1 of the Hijacking Act 1971 (hijacking of aircraft).

127. 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).

128. An offence under section 2(1) of the Criminal Jurisdiction Act 1975 (hijacking of vehicles or ship).

129. 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);

section 6(2) (inducing or assisting the commission of certain acts outside the United Kingdom);

section 7(2) (obstruction of exercise of power on suspicion of intended offence).

130. 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).

131. 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).

132. An offence under section 58 of the Merchant Shipping Act 1995 (conduct endangering ship or persons on board ship).

133. An offence under section 47 of the Wireless Telegraphy Act 2006 (misleading messages).

134. 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).

135. An offence under any of the following provisions of the Space Industry Act 2018—

paragraph 1 of Schedule 4 (hijacking of spacecraft);

paragraph 2 of Schedule 4 (destroying, damaging or endangering safety of spacecraft);

paragraph 3 of Schedule 4 (other acts endangering or likely to endanger safety of spacecraft);

paragraph 4 of Schedule 4 (endangering safety of spaceports).

Weapons, explosives and other dangerous substances

136. An offence under any of the following provisions of the Explosive Substances Act 1883—
section 2 (causing explosion likely to endanger life or property);
section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property);
section 4 (making or possession of explosive under suspicious circumstances);
section 5 (punishment of accessories).

137. An offence under section 1 of the Biological Weapons Act 1974 (producing biological weapons, transferring biological agents or toxins).

138. An offence under Article 5 of the Poisons (Northern Ireland) Order 1976 (offences in relation to control of non-medicinal poisons).

139. 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).

140. 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).

141. 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).

142. 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).

143. 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).

144. An offence under section 2 of the Landmines Act 1998 (using and dealing in anti-personnel mines).

145. 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).

146. 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).

147. An offence under section 2 of the Cluster Munitions (Prohibitions) Act 2010 (using, possessing etc. prohibited munitions).

148. An offence under section 93 of the Justice Act (Northern Ireland) 2011 (possession of offensive weapon with intent to commit an offence).

149. 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

150. 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

151. An offence that has been superseded (directly or indirectly) by an offence listed in Part 1 or 2 of this Schedule.

Inchoate offences

152.—(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

153. 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

154.—(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.”’

Minister of Justice

Amendment 130 *[Made]*

Long Title

After ‘detention;’ insert ‘to make provision about involvement in organised crime groups;’

Minister of Justice

Amendment 131 *[Made]*

Long Title

After ‘functions;’ insert ‘to amend the law to make provision about collaboration between bodies with functions relating to policing and law enforcement;’

Minister of Justice

Amendment 132 *[Made]*

Long Title

After ‘functions;’ insert ‘to repeal certain offences relating to public order;’

Minister of Justice