

Justice Bill

[AS AMENDED AT CONSIDERATION STAGE]

LEGISLATIVE COMPETENCE

At Introduction the Minister of Justice had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Justice Bill would be within the legislative competence of the Northern Ireland Assembly.”

SECRETARY OF STATE'S CONSENT

The following statement is for the purpose of section 10(3)(b) of the Northern Ireland Act 1998:

The Secretary of State had consented to the Assembly considering this Bill.

Justice Bill

[AS AMENDED AT CONSIDERATION STAGE]

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A

BILL

TO

Amend the law about the retention and destruction of fingerprints and DNA profiles under Part 6 of the Police and Criminal Evidence (Northern Ireland) Order 1989; to amend the law about the release of children on bail and about their detention; to make provision about involvement in organised crime groups; to permit the use of live links for the exercise of certain police functions; to repeal certain offences relating to public order; to amend the law to make provision about collaboration between bodies with functions relating to policing and law enforcement; to make other provision in connection with the administration of justice; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by His Majesty as follows:

PART 1

BIOMETRIC DATA: RETENTION ETC

Retention of fingerprints and DNA profiles

5 **1.**—(1) After Article 63A of the Police and Criminal Evidence (Northern Ireland) Order 1989 (destruction and retention of fingerprints and DNA profiles) insert—

“Retention and destruction of fingerprints, samples and profiles

Destruction of fingerprints and DNA profiles: introductory

63B.—(1) This Article applies to—

(a) fingerprints taken in the circumstances set out in paragraph (2), and

(b) a DNA profile derived from a DNA sample taken in those circumstances.

(2) The circumstances are that the fingerprints or sample are—

(a) taken from a person under any power conferred by this Part, or

(b) taken by the police, with the consent of the person from whom they were taken, in connection with the investigation of an offence by the police.

(3) In this Part—

(a) “Article 63B material” means fingerprints and DNA profiles to which this Article applies;

(b) “P”, in relation to any Article 63B material, means the person to whom the material relates (and “P’s material” means Article 63B material relating to P);

(c) references (however expressed) to the taking of Article 63B material are references—

(i) in the case of fingerprints, to the taking of those fingerprints;

(ii) in the case of a DNA profile, to the taking of the DNA sample (or samples) from which the DNA profile was derived;

(d) “consensual material” means Article 63B material taken as mentioned in paragraph (2)(b);

(e) “non-consensual material” means Article 63B material taken as mentioned in paragraph (2)(a).

(4) See Article 63Z for exclusions relating to certain Article 63B material.

Destruction of fingerprints and DNA profiles: the basic rule

63C.—(1) Article 63B material must be destroyed unless the material is retained in accordance with Articles 63D to 63V.

(2) In addition, Article 63B material must be destroyed if—

(a) it is being retained by virtue of an Article other than Article 63F, and

(b) it appears to the Chief Constable that—

(i) the taking of the material was unlawful, or

(ii) the material was taken from P in connection with P’s arrest and the arrest was unlawful or based on mistaken identity.

(3) Nothing in this Article prevents a speculative search, in relation to Article 63B material, from being carried out within such time as may reasonably be required for the search if the Chief Constable considers the search to be desirable.

Retention of consensual material

63D. Consensual material may be retained only until it has fulfilled the purpose for which it was taken.

Retention of non-consensual material: overview and interpretation

63E.—(1) Non-consensual material may be retained only in accordance with Articles 63F to 63V, which—

(a) set out circumstances in which non-consensual material may be retained, and

(b) provide for how long the material may be retained in those circumstances.

(2) Where P's material may be retained by virtue of any of Articles 63F to 63T, all non-consensual material relating to P may be retained by virtue of that Article.

(3) Accordingly, where P's material may be retained by virtue of more than one of those Articles, all of P's non-consensual material may be retained until the latest date provided by any of them ("the last retention date").

(4) Non-consensual material retained by virtue of any of Articles 63G to 63T must be destroyed on the day following the last retention date.

(5) Non-consensual material retained by virtue of Article 63F must be destroyed as soon as reasonably practicable after the last retention date, and in any event before the end of the period of 28 days beginning with that date.

(6) Non-consensual material may not be retained, by virtue of any of Articles 63F to 63T, by virtue of any circumstance that occurs after the last retention date.

(7) Paragraphs (4) to (6) are without prejudice to Article 63C(2).

(8) Any reference in Articles 63F to 63V to a person being convicted of an offence includes a reference to the making of an order for absolute or conditional discharge in respect of that offence, despite Article 6(1) of the Criminal Justice (Northern Ireland) Order 1996 (conviction with absolute or conditional discharge deemed not to be a conviction).

Retention of non-consensual material

Retention of Article 63B material pending investigation or proceedings

63F.—(1) This Article applies where—

(a) non-consensual material relating to P is taken in connection with the investigation of an offence, and

(b) it is suspected that P has been involved in the offence.

(2) This Article also applies where—

(a) non-consensual material relating to P is taken in connection with the investigation of one offence, and

(b) P is arrested for or charged with another offence.

(3) P's material may be retained—

(a) until the conclusion of the investigation (or, if there is more than one, the investigations) into the offence or offences, or

(b) where the investigation (or any of the investigations) gives rise to proceedings against P or any other person for an offence, until the conclusion of all of those proceedings.

(4) See Article 63U regarding the review of material retained by virtue of this Article.

Persons arrested for or charged with a qualifying offence

63G.—(1) This Article applies where P—

(a) is arrested for a qualifying offence other than an excepted offence but is not charged with that offence, or

(b) is charged with any qualifying offence but is not convicted of that offence.

(2) But this Article does not apply where Article 63I applies (charges left on the books).

(3) If P is charged with a qualifying offence but is not convicted of that offence, P's material may be retained until the end of the period of 3 years beginning with the date on which P is charged with the offence (but see also Article 63H).

(4) Paragraphs (5) and (8) apply where—

(a) P is arrested for a qualifying offence other than an excepted offence but is not charged with that offence, and

(b) any prescribed circumstances apply.

(5) If the Northern Ireland Commissioner for the Retention of Biometric Material (see Article 63Z1) has consented under paragraph (5) to the retention of the material, P's material may be retained until the end of the period of 3 years beginning with the date on which P is arrested for the offence (but see also Article 63H).

(6) The Commissioner may consent to the retention of material as mentioned in paragraph (5) if—

(a) an application is made to the Commissioner for the retention of that material, and

(b) the Commissioner considers it appropriate to retain the material.

(7) Regulations under paragraph (4)(b) may, in particular, make provision about the procedure to be followed in relation to any application to the Commissioner under paragraph (6).

(8) If an application is made under paragraph (6) 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.

(9) In this Article—

“excepted offence” means a terrorism-related qualifying offence or a national security-related qualifying offence;

“national security-related qualifying offence” means—

(a) an offence under section 18 of the National Security Act 2023 or listed in section 33(3)(a) of that Act, or

(b) an ancillary offence, as defined by Article 53A(4), relating to an offence listed in section 33(3)(a) of that Act;

5 “prescribed” means prescribed by regulations made by the Department of Justice;

“terrorism-related qualifying offence” means—

(a) an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008 (see Article 53A(2)(r)), or

10 (b) an ancillary offence, as defined by Article 53A(4), relating to an offence for the time being listed in section 41(1) of that Act.

Courts’ power to extend period under Article 63G

15 **63H.**—(1) This Article applies where material is retained under Article 63G.

(2) The Chief Constable may apply to a district judge (magistrates’ courts) for an order which, in relation to particular material, extends the 3 year period set out in Article 63G(3) or (4) by a further period of 2 years beginning with the end of that 3 year period.

20 (3) An application for an order under paragraph (2) must be made within the period of 3 months ending on the last day of the 3 year period.

(4) The following persons may appeal to the county court against an order under paragraph (2), or a refusal to make such an order—

(a) the Chief Constable;

25 (b) P.

(5) If an order is made under paragraph (2), the material may be retained in accordance with that order.

30 (6) If an application is made under paragraph (2) and (apart from this paragraph) the material would be required to be destroyed before the application is finally determined (including any proceedings on appeal), the material may be retained until—

(a) proceedings on the application (including any proceedings on appeal) have been concluded, and

35 (b) any period during which an appeal may ordinarily be made has ended.

Persons with recordable offence count left on the books

63I.—(1) This Article applies where—

(a) P is charged with a recordable offence, and

(b) paragraph (2) applies to P in relation to that offence.

40 (2) This paragraph applies to P in relation to an offence if—

- (a) P is charged with the offence in a count on an indictment, and
- (b) the Crown Court orders that the count is to be left on the books not to be proceeded with against P without the consent of that Court or the Court of Appeal.

5 But this is subject to paragraph (3).

(3) Paragraph (2) does not apply if P is, in the same proceedings in which the count is ordered to be left on the books, convicted of a recordable offence.

10 (4) If the offence mentioned in paragraph (1) is a qualifying offence, P's material may be retained until the end of the period of 3 years beginning with the date on which the Crown Court makes the order mentioned in paragraph (2)(b).

15 (5) If the offence mentioned in paragraph (1) is a recordable offence other than a qualifying offence, P's material may be retained until the end of the period of 12 months beginning with the date on which the Crown Court makes the order mentioned in paragraph (2)(b).

Persons convicted of a qualifying offence

63J.—(1) This Article applies where P is convicted of a qualifying offence.

20 (2) P's material may be retained until the end of the period of 75 years beginning with the date on which P is convicted of the offence.

(3) See also Article 63N regarding the application of this Article where P is convicted outside Northern Ireland.

Persons aged 18 or over convicted of recordable offence other than qualifying offence

25 **63K.**—(1) This Article applies where—

(a) P is convicted of a recordable offence other than a qualifying offence, and

(b) P is aged 18 or over at the time of the offence.

30 (2) If P is given a custodial sentence in respect of the offence, P's material may be retained until the end of the period of 50 years beginning with the date on which P is convicted of the offence.

(3) If paragraph (2) does not apply, P's material may be retained until the end of the period of 25 years beginning with the date on which P is convicted of the offence.

35 (4) In this Article, "custodial sentence" has the same meaning as in Chapter 2 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008.

(5) See also Article 63N regarding the application of this Article where P is convicted outside Northern Ireland.

Persons under 18 convicted of recordable offence other than qualifying offence

63L.—(1) This Article applies where—

(a) P is convicted of a recordable offence other than a qualifying offence,
and

(b) P is aged under 18 at the time of the offence.

(2) But this Article does not apply where Article 63M (first minor offence) applies.

(3) If P is given a custodial sentence of 5 years or more in respect of the offence, P's material may be retained until the end of the period of 50 years beginning with the date on which P is convicted of the offence.

(4) If paragraph (3) does not apply, P's material may be retained until the end of the period of 25 years beginning with the date on which P is convicted of the offence.

(5) 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) “custodial sentence” has the same meaning as in Chapter 2 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008.

(6) See also Article 63N regarding the application of this Article where P is convicted outside Northern Ireland.

Exception for persons under 18 convicted of first minor offence

63M.—(1) This Article applies where—

(a) P is convicted of a recordable offence other than a qualifying offence,

(b) P is aged under 18 at the time of committing the offence, and

(c) the offence is P's first offence (see paragraph (2)).

(2) For the purposes of paragraph (1)(c), an offence is P's first offence if, at the time of committing the offence, P has not—

(a) been convicted of a recordable offence,

(b) been convicted of an offence under the law of a country or territory outside Northern Ireland where the act constituting the offence would constitute a recordable offence if done in Northern Ireland,

(c) been given a caution in respect of a recordable offence, or

(d) completed the diversionary youth conference process or the restorative justice process with respect to a recordable offence;

but see paragraph (3).

(3) This Article does not apply where, in the proceedings in which P is convicted of the offence mentioned in paragraph (1)(a), P is convicted of another recordable offence.

(4) If P is given a custodial sentence of 5 years or more in respect of the offence, P's material may be retained until the end of the period of 50 years beginning with the date on which P is convicted of the offence.

5 (5) If P is given a custodial sentence of less than 5 years in respect of the offence, P's material may be retained until the end of the period consisting of the term of the sentence plus 5 years, beginning with the date on which P is convicted of the offence.

10 (6) If neither paragraph (4) nor paragraph (5) applies, P's material may be retained until the end of the period of 5 years beginning with the date on which P is convicted of the offence.

(7) For the purposes of paragraph (2)(b) it does not matter whether the act would have constituted a recordable offence at the time when P was convicted.

(8) For the purposes of this Article—

15 (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) "custodial sentence" has the same meaning as in Chapter 2 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008.

20 (9) For the purposes of paragraph (5), "the term of the sentence", in the case of a juvenile justice centre order under Article 39 of the Criminal Justice (Children) (Northern Ireland) Order 1998, is the period for which the person is detained under the order.

25 (10) See also Article 63N regarding the application of this Article where P is convicted outside Northern Ireland.

Persons convicted of offence outside Northern Ireland: application of Articles 63J to 63M

63N.—(1) This Article provides for the application of Articles 63J to 63M where P is convicted of an offence outside Northern Ireland.

30 (2) The reference in Article 63J(1) to being convicted of a qualifying offence includes being convicted of an offence under the law of a country or territory outside Northern Ireland where the act constituting the offence would constitute a qualifying offence if done in Northern Ireland.

35 (3) The references in Articles 63K(1), 63L(1) and 63M(1)(a) to being convicted of a recordable offence other than a qualifying offence include being convicted of an offence under the law of a country or territory outside Northern Ireland where the act constituting the offence, if done in Northern Ireland—

(a) would constitute a recordable offence, but

40 (b) would not constitute a qualifying offence.

(4) For the purposes of paragraphs (2) and (3) it does not matter whether the act would have constituted such an offence at the time when P was convicted.

(5) Where Articles 63J to 63M apply in accordance with this Article, any reference in them to a custodial sentence is to be read as a reference to a sentence of imprisonment or other form of detention.

Persons completing restorative justice process

5 **63O.**—(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,

10 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,

15 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.

20 (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 61 of the Justice Act (Northern Ireland) 2026, and

25 (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.

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Persons under 18 given a caution

63P.—(1) This Article applies where P—

(a) is given a caution in respect of a recordable offence which, at the time of the caution, the person admitted, and

35 (b) is aged under 18 at the time of the offence.

(2) P's material may be retained until the end of the period of 5 years beginning with the date on which P is given the caution.

Persons completing diversionary youth conference

63Q.—(1) This Article applies where P has completed the diversionary youth conference process with respect to a recordable offence.

5 (2) 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.

(3) For the purposes of this Article, P completes the diversionary youth conference process with respect to an offence if (and only if)—

10 (a) a diversionary youth conference under Part 3A of the Criminal Justice (Children) (Northern Ireland) Order 1998 has been completed with respect to P and that offence, and

(b) the Director of Public Prosecutions, having considered the report of the youth conference co-ordinator, 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.

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Persons given a penalty notice

63R.—(1) This Article applies where—

(a) P is given a penalty notice under section 60 of the Justice Act (Northern Ireland) 2011 in respect of a recordable offence, and

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(b) no proceedings are brought against P for the offence.

(2) P's material may be retained until the end of the period of 2 years beginning with the date on which P was given the penalty notice.

Persons subject to notification requirements

25 **63S.**—(1) This Article applies where P is subject to a notification requirement.

(2) P's material may be retained until P ceases to be subject to the notification requirement.

(3) For the purposes of this Article, P is subject to a notification requirement if—

30 (a) P is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (within the meaning of that Part);

(b) P is subject to the notification requirements of Part 2 of Schedule 3 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015;

35 (c) P is subject to the notification requirements of Part 8 of the Justice Act (Northern Ireland) 2015;

(d) the notification requirements imposed by section 14 of the Protection from Stalking Act (Northern Ireland) 2022 apply to P.

40 (4) The Department of Justice may by regulations amend the list of notification requirements set out in paragraph (3).

Courts' power to extend period

63T.—(1) This Article applies where P's material is retained by virtue of any of Articles 63I to 63S.

(2) The Chief Constable may, in relation to any particular material, apply to a district judge (magistrates' courts) for an order permitting the continued retention of the material beyond the day on which it would otherwise be required to be destroyed.

(3) An order under paragraph (2) may not be made in relation to material if a determination under paragraph 7 of Schedule 1 to the Protection of Freedoms Act 2012 (retention of material for the purposes of national security) is in effect in relation to that material.

(4) In addition, an order under paragraph (2) may be made only if the district judge is satisfied that the following conditions are met—

(a) there are substantial grounds for believing that the retention of the material will assist in achieving a purpose set out in paragraph (5), and

(b) the continued retention of the material is a proportionate means of achieving that purpose.

(5) The purposes are—

(a) protecting life or preventing serious harm to an individual;

(b) preventing serious crime or disorder;

(c) identifying an individual (including an individual who is dead or missing).

(6) The district judge, in considering whether the conditions set out in paragraph (4) are met, must consider (in particular)—

(a) P's offending history (including the nature and seriousness of any offences committed by P);

(b) the nature and seriousness of any risk to the public if the purposes set out in paragraph (5) cannot be achieved due to the destruction of P's material;

(c) any risk that P will commit further offences and whether the retention of P's material might assist in the investigation of those offences;

(d) any difficulty there may be in locating and arresting P, and therefore taking further material from P, in the event that P is suspected of committing further offences.

(7) An order under paragraph (2)—

(a) must specify a period, of not more than 2 years, for which the continued retention of the material is permitted;

(b) may be varied by a further order extending that period by not more than 2 years at any one time.

(8) An application under paragraph (2) must be made—

(a) within the period of 3 months ending with the day before the day mentioned in that paragraph, or

(b) if an order has previously been made under paragraph (2), within the last 3 months of the period specified in that order.

(9) The following persons may appeal to the county court against an order under paragraph (2), or a refusal to make such an order—

(a) the Chief Constable;

(b) P.

(10) If an order is made under paragraph (2), the material may be retained in accordance with that order.

(11) If an application is made under paragraph (2) and (apart from this paragraph) the material would be required to be destroyed before the application is finally determined (including any proceedings on appeal), the material may be retained until—

(a) proceedings on the application (including any proceedings on appeal) have been concluded, and

(b) any period during which an appeal may ordinarily be made has ended.

Review of continued retention

Review of retention where material retained for investigations

63U.—(1) This Article applies where there is an investigation into an offence (or offences) and any of P's material is retained by virtue of Article 63F in connection with that investigation.

(2) The Chief Constable must conduct a review of the retention of P's material—

(a) before the end of the period of 5 years beginning with the date on which P is arrested for, or charged with, the offence or offences (or, if there is more than one such date, the latest of them), and

(b) thereafter, before the end of each period of 5 years beginning with the previous review under this Article.

(3) On a review under this Article, the Chief Constable must consider—

(a) whether P remains, or should remain, a suspect in the investigation (or investigations), and

(b) whether P's material has, or may have, evidential value in that investigation (or those investigations) or in any proceedings to which that investigation (or those investigations) may give rise.

(4) If the Chief Constable, following a review under this Article, determines that P's material should no longer be retained by virtue of Article 63F, all of P's material that is retained by virtue of that Article must be destroyed, unless it may be retained by virtue of any other Article.

(5) The Department of Justice may in regulations set out additional factors that the Chief Constable must consider, or factors that the Chief Constable may or must not consider, in conducting a review.

(6) In particular, the regulations may provide that—

- (a) material of a specified description;
 - (b) material relating to persons of a specified description;
- must, or must not, be retained following a review.

(7) “Specified” means specified in the regulations.

- 5 (8) Before making regulations under paragraph (5), the Department must consult such persons as the Department considers appropriate.

Review of retention where material retained for long term

10 **63V.**—(1) The Department of Justice must by regulations require the Chief Constable, where any of P’s material is retained by virtue of Articles 63J(2), 63K(2) and (3), 63L(3) and (4) and 63M(4), to conduct a review of the retention of P’s material.

(2) The review is to be of all of P’s material that is retained by virtue of Articles 63D, 63G to 63R and 63T.

(3) The regulations may, in particular, make provision—

- 15 (a) about when, and in what circumstances, the reviews must be conducted;
- (b) enabling P to request that a review be conducted, subject to such conditions as may be specified;
- (c) requiring that P be notified of the outcome of the review;
- 20 (d) conferring a right of appeal against a determination made on a review and about the procedure on such appeals (including the payment of fees).

(4) The regulations may set out factors that the Chief Constable must, may or must not consider in conducting a review.

25 (5) In particular, the regulations may provide that—

- (a) material of a specified description;
 - (b) material relating to persons of a specified description;
- must, or must not, be retained following a review.

(6) “Specified” means specified in the regulations.

30 (7) If the Chief Constable, following a review under this Article, determines that P’s material should no longer be retained by virtue of Articles 63D, 63G to 63R and 63T, all of P’s material that is retained by virtue of any of those Articles must be destroyed, unless it may be retained by virtue of Article 63F or 63S.

35 (8) Before making regulations under paragraph (1), the Department must consult such persons as the Department considers appropriate.

*Destruction and use of material***Destruction of copies**

63W.—(1) If fingerprints are required by Article 63C to be destroyed, any copies of the fingerprints held by the police must also be destroyed.

(2) If a DNA profile is required by that Article to be destroyed, no copy may be retained by the police except in a form which does not include information which identifies the person to whom the DNA profile relates.

Destruction of samples

63X.—(1) This Article applies to samples—

- (a) taken from a person under any power conferred by this Part, or
- (b) taken by the police, with the consent of the person from whom they were taken, in connection with the investigation of an offence by the police.

(2) A DNA sample to which this Article applies must be destroyed—

- (a) as soon as a DNA profile has been derived from the sample, or
- (b) if sooner, before the end of the period of 6 months beginning with the date on which the sample was taken.

(3) Any other sample to which this Article applies must be destroyed before the end of the period of 6 months beginning with the date on which it was taken.

(4) Nothing in this Article prevents a speculative search, in relation to samples to which this Article applies, from being carried out within such time as may reasonably be required for the search if the Chief Constable considers the search to be desirable.

Use of retained material

63Y.—(1) Any material to which Article 63B or 63X applies must not be used other than—

- (a) for purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution, or
- (b) for purposes related to the identification of a deceased person or of the person to whom the material relates.

(2) Material which is required by Article 63C or 63X to be destroyed must not at any time after it is required to be destroyed be used—

- (a) in evidence against the person to whom the material relates, or
- (b) for the purposes of the investigation of any offence.

(3) In this Article—

- (a) the reference to using material includes a reference to allowing any check to be made against it and to disclosing it to any person,
- (b) the reference to crime includes a reference to any conduct which—

- (i) constitutes one or more criminal offences (whether under the law of Northern Ireland or of any country or territory outside Northern Ireland), or
 - (ii) is, or corresponds to, any conduct which, if it all took place in Northern Ireland, would constitute one or more criminal offences, and
- (c) the references to an investigation and to a prosecution include references, respectively, to any investigation outside Northern Ireland of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside Northern Ireland.

Exclusions

Exclusion for certain regimes

- 63Z.**—(1) Articles 63B to 63Y do not apply to material to which paragraphs 20A to 20J of Schedule 8 to the Terrorism Act 2000 (destruction, retention and use of material taken from terrorist suspects) apply.
- (2) Any reference in those Articles to a person being arrested for, or charged with, an offence does not include a reference to a person—
- (a) being arrested under section 41 of that Act, or
 - (b) being charged with an offence following an arrest under that section.
- (3) Articles 63B to 63Y do not apply to material to which paragraph 8 of Schedule 4 to the International Criminal Court Act 2001 (requirement to destroy material) applies.
- (4) Articles 63B to 63Y do not apply to material to which paragraph 6 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 (requirement to destroy material) applies.
- (5) Articles 63B to 63Y do not apply to material to which paragraphs 43 to 51 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (destruction, retention and use of material) apply.
- (6) Articles 63B to 63Y do not apply to material to which—
- (a) Part 4 of Schedule 6 to the National Security Act 2023 (dealing with fingerprints and samples etc: UK) applies, or
 - (b) paragraph 6 of Schedule 12 to that Act (requirement to destroy material) applies.
- (7) Articles 63B to 63Y do not apply to material which is, or may become, disclosable under—
- (a) the Criminal Procedure and Investigations Act 1996, or
 - (b) a code of practice prepared under section 23 of that Act and in operation by virtue of an order under section 25 of that Act.
- (8) A sample that—
- (a) falls within paragraph (7), and

(b) but for that paragraph would be required to be destroyed under Article 63X,

must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.

5 (9) A sample that once fell within paragraph (7) but no longer does, and so becomes a sample to which Article 63X applies, must be destroyed immediately if the time specified for its destruction under that Article has already passed.

(10) Articles 63B to 63Y do not apply to material which—

10 (a) is taken from a person, but

(b) relates to another person.

(11) Articles 63B to 63Y do not apply to a DNA sample, or to a DNA profile derived from a sample, if—

15 (a) the DNA sample was taken before Article 63B came into operation, and

(b) the sample or (as the case may be) the profile is held in a non-searchable format for the purposes only of forensic processing and analysis.

(12) Nothing in Articles 63B to 63Y affects any power conferred by—

20 (a) paragraph 18(2) of Schedule 2 to the Immigration Act 1971 (power to take reasonable steps to identify a person detained), or

(b) section 20 of the Immigration and Asylum Act 1999 (disclosure of police information to the Secretary of State for use for immigration purposes).

25 *Commissioner for the Retention of Biometric Material*

Northern Ireland Commissioner for the Retention of Biometric Material

63Z1.—(1) The Department of Justice must appoint a Commissioner to be known as the Northern Ireland Commissioner for the Retention of Biometric Material.

30 (2) Schedule 2B (which makes provision about the Commissioner and the exercise of the Commissioner's functions) has effect.

(3) The Commissioner must keep under review—

(a) the acquisition, in accordance with this Part, of Article 63B material, and

35 (b) the retention and use, in accordance with Articles 63A and 63B to 63Y, of any material to which Article 63B or 63X applies and of any copies of any Article 63B material.

40 (4) The Commissioner must also keep under review the use and development of existing and new biometric technologies used by, or capable of being used by, law enforcement authorities for the prevention and detection of crime in Northern Ireland (including technologies that are being used or developed outside the United Kingdom).

(5) The Commissioner may issue guidance about—

(a) the acquisition of Article 63B material in accordance with this Part, and

5 (b) the handling, retention and destruction of material in accordance with Articles 63C to 63Y;

and the Commissioner may from time to time revise that guidance.

(6) The Chief Constable must have regard to any guidance issued under paragraph (5).

(7) In addition to the functions conferred by this Article—

10 (a) the Commissioner has functions under Article 63G(5) and (6);

(b) regulations under Article 63V(3)(d) may confer functions on the Commissioner.

Reports by Commissioner

15 **63Z2.**—(1) The Commissioner appointed under Article 63Z1 must make a report to the Department of Justice about the carrying out of the Commissioner's functions as soon as reasonably practicable after the end of—

(a) the period of 12 months beginning with the date on which this Article comes into operation, and

20 (b) every subsequent 12 month period.

(2) The Commissioner may also, at any time, make such reports to the Department of Justice on any matter relating to the Commissioner's functions as the Commissioner considers appropriate.

25 (3) The Department of Justice may at any time require the Commissioner to report on any matter relating to the Commissioner's functions.

(4) On receiving a report from the Commissioner under this Article, the Department must—

(a) publish the report, and

(b) lay a copy of the published report before the Assembly.

30 (5) The Department may, after consultation with the Commissioner, exclude from publication any part of a report under this Article if, in the opinion of the Department, the publication of that part would be contrary to the public interest.”.

35 (2) Schedule 1 inserts new Schedule 2B into the Police and Criminal Evidence (Northern Ireland) Order 1989, relating to the Northern Ireland Commissioner for the Retention of Biometric Material.

Retention of fingerprints and DNA profiles: amendments

2. In Schedule 2—

40 (a) Part 1 makes further amendments of Articles 63B to 63Z2 (as inserted by section 1), relating to certain sentencing disposals;

(b) Part 2 makes minor and consequential amendments.

Retention of fingerprints and DNA profiles: supplementary

3.—(1) Nothing in section 1 or Schedule 1 or 2 affects the operation of Article 63DA of the Police and Criminal Evidence (Northern Ireland) Order 1989, as inserted by paragraph 5(3) of Schedule 2 to the Counter-Terrorism and Border Security Act 2019 (or the operation of Articles 63B to 63R of that Order, as inserted by section 9 of and Schedule 2 to the Criminal Justice Act (Northern Ireland) 2013, so far as they relate to Article 63DA).

(2) The provisions inserted by that section and those Schedules (“the new provisions”) apply in relation to fingerprints and in relation to DNA profiles and DNA samples regardless of when the fingerprints or, as the case may be, DNA sample were taken; but this is subject to subsections (3) to (9).

(3) Subsections (4) and (5) apply where fingerprints were taken, or a DNA sample was taken, before commencement day from a person (“P”) with P’s consent, in connection with the investigation of an offence.

(4) If P was not a suspect in the investigation at the time of the taking of the fingerprints or sample, the material is to be treated as consensual material (and, accordingly, the material may be retained only in accordance with Article 63D).

(5) If P was a suspect in the investigation at the time of the taking of the fingerprints or sample, the material is to be treated as non-consensual material (and, accordingly, P’s material may be retained only in accordance with Articles 63F to 63V).

(6) If fingerprints taken before commencement day are required, by virtue of the new provisions, to be destroyed, the fingerprints (and any copy of them) are not required to be destroyed—

(a) in the case of fingerprints (or a copy) held in printed form, before the end of the period of 2 years beginning with commencement day;

(b) in any other case, before the end of the period of 6 months beginning with commencement day.

(7) If—

(a) a DNA sample was taken before commencement day, and

(b) the sample or a DNA profile derived from it is required, by virtue of the new provisions, to be destroyed,

the sample or (as the case may be) the profile is not required to be destroyed before the end of the period of 6 months beginning with commencement day.

(8) In the case of fingerprints or a DNA sample or DNA profile which would, but for subsection (6)(a) or (b) or (7), be required to be destroyed before the end of the period mentioned in that provision, Articles 63G(4) to (6), 63H and 63T (extension of retention periods) do not apply.

(9) In the case of material taken before commencement day, the first review under Article 63U must be conducted before the end of the period of 4 years beginning with commencement day (and this requirement applies in place of Article 63U(2)(a)).

(10) The Department may by regulations make such further transitional, transitory or saving provision as the Department considers appropriate in connection with the coming into force of this section.

5 (11) The provision that may be made under subsection (10) includes provision modifying the effect of subsections (3) to (9).

(12) In this section, “commencement day” means the day on which section 1 comes into operation.

Retention, use and destruction of photographs

10 **4.—**(1) Article 64A of the Police and Criminal Evidence (Northern Ireland) Order 1989 is amended as follows.

(2) After paragraph (7) insert—

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

(9) Before laying the draft regulations the Department must consult—

- 15 (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
20 (e) such organisations as appear to the Department to be representative of interests substantially affected by the proposals.

(10) 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.

25 (11) 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.

30 (12) 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.

(13) Regulations under paragraph (7A)—

- (a) may make such consequential, supplementary or incidental provision as the Department considers appropriate, and
35 (b) may amend any statutory provision (within the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954).

(14) 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.”.

PART 2

CHILDREN

*Bail***Duties of custody officer after charge**

- 5 **5.** In Article 39 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (duties of custody officer after charge), in paragraph (2A)—
- (a) omit the “and” at the end of sub-paragraph (c), and
 - (b) at the end of sub-paragraph (d) insert “; and
 - (e) in the case of an arrested juvenile—
 - 10 (i) the juvenile’s age, maturity, vulnerabilities and needs;
 - (ii) the juvenile’s capacity to understand and comply with any condition of bail.”.

Police bail after arrest

- 15 **6.**—(1) Article 48 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (bail after arrest) is amended in accordance with subsections (2) to (4).
- (2) In paragraph (3D)—
 - (a) omit the “and” at the end of sub-paragraph (b), and
 - (b) at the end of sub-paragraph (c) insert “; and
 - (d) he does not cause a serious threat to public order.”.
 - 20 (3) In paragraph (3F)—
 - (a) in the words before sub-paragraph (a) omit “preventing that person from”,
 - (b) at the start of each of sub-paragraphs (a), (b) and (c) insert “preventing that person from”,
 - (c) omit the “or” at the end of sub-paragraph (b), and
 - 25 (d) at the end of sub-paragraph (c) insert “; or
 - (d) preventing that person’s release from causing a serious threat to public order.”.
 - (4) After paragraph (3H) insert—
 - 30 “(3I) Article 48ZA contains further provision concerning the application of this Article to arrested juveniles.”.
 - (5) After that Article insert—

“Bail after arrest: juveniles

- 48ZA.**—(1) This Article applies where a custody officer—
- (a) grants bail to an arrested juvenile, or

(b) varies the conditions of bail of an arrested juvenile under Article 48(3E).

(2) In deciding whether to impose a condition of bail a custody officer must have regard to any considerations which appear to the officer to be relevant including—

- (a) the nature and seriousness of the offence,
- (b) the character, antecedents, associations and community ties of the juvenile,
- (c) the juvenile's record as respects the fulfilment of the juvenile's obligations under previous grants of bail,
- (d) the strength of the evidence of the juvenile's having committed the offence,
- (e) the juvenile's age, maturity, vulnerabilities and needs, and
- (f) the juvenile's capacity to understand and comply with any condition of bail.

(3) A condition of bail must be no more onerous than is necessary for the purpose for which it is imposed.”.

Court bail

7. After Article 10D of the Criminal Justice (Children) (Northern Ireland) Order 1998 insert—

“PART 3B

BAIL, REMAND AND COMMITTAL

Bail

Right to bail

10E.—(1) A child to whom this Article applies must be released on bail, except as provided for in Article 10F (power to refuse bail).

(2) This Article applies to a child arrested for or charged with an offence where, in connection with the offence or proceedings for the offence, the child—

- (a) appears or is brought before a court, or
- (b) is the subject of an application to a court to grant, vary or revoke bail.

(3) But this Article does not apply to a child if—

- (a) the child is convicted of the offence, or
- (b) the child is in custody—
 - (i) having been refused bail in respect of another offence,
 - (ii) in pursuance of a sentence of a court, or

(iii) in pursuance of a sentence imposed by an officer under the Armed Forces Act 2006.

(4) For the purposes of paragraph (3)(a) any of the following is to be treated as a conviction—

- 5 (a) a finding of guilt;
- (b) a finding that the child is not guilty by reason of insanity;
- (c) a finding that the child is unfit to be tried and that the child did the act or made the omission charged;
- 10 (d) a conviction of an offence for which an order is made discharging the child absolutely or conditionally.

(5) But a finding under Article 51(1) of the Magistrates' Courts (Northern Ireland) Order 1981 that a child charged with an offence did the act or made the omission charged is not to be treated as a conviction for the purposes of paragraph (3)(a).

15 (6) Nothing in this Article is to be taken to affect any power of a court to—

- (a) release a child without bail, or
- (b) grant bail on compassionate grounds.

20 (7) This Article is subject to Article 38 of the Magistrates' Courts (Northern Ireland) Order 1981 (bail in treason and related offences).

Power to refuse bail

10E.—(1) A court may refuse to release a child on bail under Article 10E if it is satisfied that the following two conditions are met.

25 (2) The first condition is that if the child is convicted of the offence it is very likely that a custodial sentence will be imposed.

(3) The second condition is that there are substantial grounds for believing that it is necessary to remand the child in custody to prevent—

- (a) the child failing to surrender to custody,
- (b) the child committing an offence while on bail,
- 30 (c) the child interfering with witnesses or otherwise obstructing the course of justice, whether in relation to the child or any other person, or
- (d) the child's release causing a serious threat to public order.

Conditions of bail

35 **10G.**—(1) This Article applies, subject to paragraph (5), where a court is deciding whether to—

- (a) impose a condition when granting bail, or in respect of bail that has been granted, under Article 10E, or

(b) vary or remove a condition in respect of bail that has been granted under Article 10E.

(2) The court must not impose a condition of bail unless it is satisfied that it is necessary to do so to prevent—

- (a) the child failing to surrender to custody,
- (b) the child committing an offence while on bail,
- (c) the child interfering with witnesses or otherwise obstructing the course of justice, whether in relation to the child or any other person, or

(d) the child's release causing a serious threat to public order.

(3) The court must not impose a condition of bail that is more onerous than is necessary for the purpose for which it is imposed.

(4) The court must remove a condition of bail if it is satisfied that the condition—

- (a) is no longer necessary for a purpose mentioned in paragraph (2), or
- (b) is more onerous than is necessary for the purpose for which it was imposed.

(5) Paragraphs (2) and (4)(a) do not apply—

- (a) to the imposition of a curfew requirement or an electronic monitoring requirement as a condition of bail (as to which, see Article 43 of the Criminal Justice (Northern Ireland) Order 2008), or
- (b) where a court has a duty to impose conditions under Article 51(2) of the Magistrates' Courts (Northern Ireland) Order 1981 (inquiry into physical or mental condition).

Considerations relevant to bail

10H.—(1) This Article applies where a court is deciding whether to—

- (a) refuse to release a child on bail under Article 10F,
- (b) impose a condition when granting bail, or in respect of bail that has been granted, under Article 10E, or
- (c) vary or remove a condition in respect of bail that has been granted under Article 10E.

(2) The court must have regard to the following matters, insofar as they are relevant—

- (a) the nature and seriousness of the offence;
- (b) the strength of evidence against the child;
- (c) the child's character and history, including—
 - (i) the nature of any previous convictions,
 - (ii) the conduct of the child during any previous grants of bail;
- (d) the child's community ties and associations;
- (e) the child's age, maturity, vulnerabilities and needs;

- (f) the child’s capacity to understand and comply with any condition of bail.

Record of decisions concerning bail

10I.—(1) This Article applies where a court—

- 5 (a) refuses to release a child on bail under Article 10F,
(b) imposes a condition when granting bail, or in respect of bail that has been granted, under Article 10E, or
(c) varies or removes a condition in respect of bail that has been granted under Article 10E.
- 10 (2) The court must—
(a) give reasons for its decision in open court,
(b) make a record of—
(i) the decision, and
(ii) the reasons for the decision, and
15 (c) if the child requests it, cause a copy of the record to be given to the child.
- (3) In complying with paragraph (2) the court must use language that is appropriate to the age, maturity and understanding of the child.”.

Arrest for absconding or breaking conditions of bail

20 **8.**—(1) Article 6 of the Criminal Justice (Northern Ireland) Order 2003 (arrest for absconding or breaking conditions of bail) is amended as follows.

(2) After paragraph (3) insert—

25 “(3ZA) Before deciding whether to arrest a child under paragraph (3)(b), the constable must consider the nature and seriousness of the likely breach or breach of the conditions of bail.

(3ZB) Where a constable has the power to arrest a child under paragraph (3)(b) but decides not to, the constable must—

- 30 (a) make a record of the decision (including the reasons for the decision), and
(b) on the next occasion when the child is brought before a court, cause a copy of the record to be given to the court.”.

(3) After paragraph (7) insert—

“(8) In this Article, “child” means a person who is under the age of 18.”.

Considerations relevant to bail: accommodation

35 **9.**—(1) In the Police and Criminal Evidence (Northern Ireland) Order 1989, in Article 39 (duties of custody officer after charge), after paragraph (2A) insert—

“(2B) The custody officer, in taking a decision mentioned in paragraph (2A) in respect of an arrested juvenile, may consider the juvenile’s accommodation needs but must not refuse to release the juvenile on bail solely because the juvenile does not have any or adequate accommodation.”.

5 (2) In the Criminal Justice (Children) (Northern Ireland) Order 1998, in Article 10H (inserted by section 7 of this Act), after paragraph (2) insert—

“(3) Where a court is deciding whether to refuse to release a child on bail under Article 10F, the court may consider the child’s accommodation needs; but this is subject to paragraph (4).

10 (4) The court must not conclude that the second condition in Article 10F is met solely because the child does not have any or adequate accommodation.”.

Custody on sentencing

Place of detention following sentencing

15 **10.** After Article 46B of the Criminal Justice (Children) (Northern Ireland) Order 1998, insert—

“Place of detention

Custody following sentencing

20 **46BA.**—(1) Where a court sentences a child to imprisonment or detention, the child must be detained in a juvenile justice centre.

(2) Paragraph (1) applies during any period in which the child is—

- (a) detained under the sentence, and
- (b) under the age of 18.

25 (3) Any sentence of imprisonment, and any statutory provision relating to persons sentenced to imprisonment, has effect subject to this Article.

(4) In paragraph (1), “detention” means detention under—

- (a) Article 38A,
- (b) Article 45(1) or (2), or
- (c) Article 13(4)(b) or 14(5) of the Criminal Justice (Northern Ireland) Order 2008.”.

Powers to sentence child to detention: amendment

11.—(1) Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (punishment of certain grave crimes) is amended in accordance with subsections (2) to (4).

35 (2) In paragraph (1) omit the words from “in such place” to the end.

(3) In paragraph (2) omit the words from “; and where such a sentence” to the end.

(4) For paragraphs (3) to (7) substitute—

“(3) An adult who is liable to be detained under this Article must be detained in such place and under such conditions as the Department of Justice may direct.

5 For provision relating to the detention of children, see Article 46BA.

(4) A person detained under this Article is, while so detained, in legal custody.”.

10 (5) Article 13 of the Criminal Justice (Northern Ireland) Order 2008 (life sentence or indeterminate custodial sentence for serious offences) is amended in accordance with subsections (6) and (7).

(6) In paragraph (4)(b) omit the words from “at such place” to the end.

(7) For paragraph (5) substitute—

15 “(4A) A person aged 18 or over who is liable to be detained in accordance with paragraph (4)(b) must be detained in such place and under such conditions as the Department of Justice may direct.

For provision relating to the detention of children, see Article 46BA of the Criminal Justice (Children) (Northern Ireland) Order 1998.

(5) A person detained in accordance with paragraph (4)(b) is, while so detained, in legal custody.”.

20 (8) Article 14 of the Criminal Justice (Northern Ireland) Order 2008 (extended custodial sentence for certain violent or sexual offences) is amended in accordance with subsections (9) and (10).

(9) In paragraph (5) omit the words from “at such place” to “may direct”.

(10) For paragraph (7) substitute—

25 “(6A) A person aged 18 or over who is liable to be detained in accordance with paragraph (5) must be detained in such place and under such conditions as the Department of Justice may direct.

For provision relating to the detention of children, see Article 46BA of the Criminal Justice (Children) (Northern Ireland) Order 1998.

30 (7) A person detained in accordance with paragraph (5) is, while so detained, in legal custody.”.

Powers to sentence child to detention: removal

12.—(1) In section 5(1)(a) of the Treatment of Offenders Act (Northern Ireland) 1968 (power to make order for detention in a young offenders centre) for “sixteen” substitute “18”.

(2) In the Criminal Justice (Children) (Northern Ireland) Order 1998 omit Articles 39 to 44 (which provide for juvenile justice centre orders) and the italic heading before Article 39.

40 (3) In the Justice (Northern Ireland) Act 2002 omit section 56 (which provides for custody care orders but has not been brought into operation).

Youth custody and supervision orders

13.—(1) The Criminal Justice (Children) (Northern Ireland) Order 1998 is amended as follows.

(2) After Article 38 insert—

5

“Youth custody and supervision orders

Youth custody and supervision orders

38A.—(1) This Article applies where a child is found guilty by or before any court of an offence and—

10

(a) it appears to the court that the child was aged 14 or over when the offence was committed, and

(b) the offence is one which is punishable, in the case of an adult, with imprisonment, and for which the sentence is, in the case of an adult, not fixed by law as imprisonment for life.

15

(2) The court (subject to Article 32(1)) may make a youth custody and supervision order in relation to the child.

(3) A youth custody and supervision order is an order that the child is to be subject to a period of detention followed by a period of supervision.

For provision relating to the duration of such orders, see Article 38B.

20

(4) Where, in reliance on Article 30(2), a court makes a youth custody and supervision order in relation to an adult, the period of detention is in such place and under such conditions as the Department of Justice may direct.

25

(5) Where a court makes a youth custody and supervision order, it may, subject to Chapter 5 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008, impose a curfew requirement or an electronic monitoring requirement (within the meaning of that Chapter) during all or any part of the period of supervision.

30

(6) For the purposes of paragraph (1)(a), where the offence is found to have been committed—

(a) over a period of 2 or more days, or

(b) at some time during a period of 2 or more days,

it is taken to have been committed on the last of those days.

(7) A person detained under this Article is, while so detained, in legal custody.

35

Term of youth custody and supervision orders

38B.—(1) A youth custody and supervision order is to have effect for such period as may be specified in it.

(2) That period must not be less than 6 months or, subject to paragraph (3), more than 2 years.

(3) The period specified in the order may be up to four years in the case of a child aged 16 or over if—

(a) the sentence is imposed under Article 70(2) of the Firearms (Northern Ireland) Order 2004,

5 (b) the sentence is imposed under paragraph 2(5A) of Schedule 2 to the Violent Crime Reduction Act 2006, or

(c) the court is of the opinion that an order for a period of 2 years would be inadequate in all the circumstances.

10 (4) The period of detention which the child is to serve under the order is such period as may be specified in the order, but this is subject to paragraphs (5) and (6).

(5) The period of detention specified in the order must not be—

(a) less than 3 months, or

(b) more than one half of the period of the order.

15 (6) The period of detention which the child is liable to serve is to be reduced by any period which is a relevant period within the meaning of section 26(2) and (2A) of the Treatment of Offenders Act (Northern Ireland) 1968 (reduction of sentence).

20 (7) Any reference in any statutory provision to the length of the period of a youth custody and supervision order must be construed as a reference to the length of the period specified by the court and not the length of the period as reduced by paragraph (6), unless the context otherwise requires.

Taking of children to juvenile justice centres

25 **38C.**—(1) This Article applies where a court has made a youth custody and supervision order in respect of a child.

(2) The court must cause the order to be delivered to the person responsible for taking the child to the juvenile justice centre specified in the order.

(3) That person must deliver the order to the person for the time being in charge of the centre.

30 (4) The court must cause a record of the child to be sent to the managers or to the person for the time being in charge of the juvenile justice centre.

(5) The record of the child must contain such information in the possession of the court with respect to the child as is in the opinion of the court likely to be of assistance to the managers of the juvenile justice centre.

35 (6) Any person who knowingly harbours or conceals the child after the time has come for the child to go to the juvenile justice centre is guilty of an offence.

40 (7) A person who is guilty of an offence under paragraph (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale, or to imprisonment for a term not exceeding 6 months, or to both.

(8) Paragraph (9) applies where—

(a) the person authorised to take the child to a juvenile justice centre is, when the time comes for the child to go to the centre, unable to find the child or unable to obtain possession of the child, and

5 (b) a lay magistrate is satisfied by complaint on oath that there is reasonable ground for believing that a person named in the complaint can produce the child.

(9) The lay magistrate may issue a summons requiring the person so named to—

10 (a) attend at a court of summary jurisdiction on such day as may be specified in the summons, and

(b) produce the child.

(10) If the person required by the summons to produce the child fails to do so, without reasonable excuse, that person is guilty of an offence (in addition to any other liability to which that person may be subject).

15 (11) A person who is guilty of an offence under paragraph (10) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Supervision under a youth custody and supervision order

20 **38D.**—(1) During the period of supervision under a youth custody and supervision order, the offender is to be under the supervision of—

(a) a probation officer, or

(b) such other person as the Department may designate.

25 (2) Before the commencement of the period of supervision the managers of the juvenile justice centre where the offender is detained must give the offender a notice specifying—

(a) the period of supervision, and

(b) the person under whose supervision the offender will be (“the supervisor”).

30 (3) Before the commencement of the period of supervision the supervisor must give the offender a notice specifying—

(a) any requirement imposed by the court under Article 38A(5), and

(b) any other requirement with which the offender must comply.

35 (4) During the period of supervision the supervisor may give the offender a notice specifying any alteration to the matters mentioned in paragraph (2)(b) or (3)(b).

(5) The Department may designate another person to issue a notice under paragraph (4).

40 (6) The Department may make rules regulating the supervision of an offender subject to a youth custody and supervision order, but such rules may not regulate any matter which may be regulated by rules under Article 44 of the Criminal Justice (Northern Ireland) Order 2008.

(7) Rules under paragraph (6) are subject to negative resolution.

(8) The Department may pay the expenses incurred by a probation officer or any person designated under paragraph (1)(b) arising from the supervision of an offender under this Article.

(9) In this Article “the Department” means the Department of Justice.

5 **Breach of supervision requirements**

38E. Schedule 1B makes provision about breach of supervision requirements imposed under a youth custody and supervision order.

Restriction on making two or more youth custody and supervision orders

10 **38F.**—(1) This Article applies where—

 (a) a court is dealing with an offender for two or more associated offences, and

 (b) the court forms the opinion that it is appropriate to make a youth custody and supervision order in respect of two or more of the offences.

15 (2) The court may not make more than one youth custody and supervision order in respect of the relevant offences.

 (3) In determining the term of the order and any requirement to be imposed under Article 38A(5), the court must take into consideration each of the relevant offences.

20 (4) The court must state in open court and in ordinary language how it discharged the duty under paragraph (3).

 (5) In paragraphs (2) and (3) “the relevant offences” means the offences in respect of which the court considers it to be appropriate to make a youth custody and supervision order.

Offender subject to youth custody and supervision order and custodial sentence imposed

38G.—(1) This Article applies where—

30 (a) an offender is subject to a youth custody and supervision order,

 (b) the offender is convicted by or before a court of an offence, and

 (c) the court imposes a custodial sentence on the offender for the offence.

 (2) The court must revoke the youth custody and supervision order.

35 (3) In passing the sentence for the offence, the court must take into account—

 (a) the period for which, but for the revocation, the order would have continued in effect, and,

 (b) in particular, the proportion of that period during which the child was due to be subject to a period of supervision.

(4) If the court decides to make a further youth custody and supervision order, Article 38B has effect as if—

(a) in paragraph (2) the words “less than 6 months or” were omitted;

(b) in paragraph (5), sub-paragraph (a) were omitted.”.

- 5 (3) Schedule 3 inserts into the Criminal Justice (Children) (Northern Ireland) Order 1998 a new Schedule 1B (Youth Custody and Supervision Orders: Breach of Supervision Requirements).

Custody on remand or committal

Place of detention following remand in custody

- 10 **14.** After Article 10I of the Criminal Justice (Children) (Northern Ireland) Order 1998 (inserted by section 7 of this Act), insert—

“Remand and committal

Detention following remand in or committal to custody

- 15 **10J.**—(1) Where a court remands in or commits to custody a child arrested for, charged with or convicted of an offence, the child must be detained in a juvenile justice centre.

(2) Paragraph (1) applies during any period in which the child—

(a) is remanded in or committed to custody, and

(b) is under the age of 18.

- 20 (3) Any order of a court remanding a child in or committing a child to custody and any statutory provision relating to persons remanded in or committed to custody has effect subject to this Article (except the provision mentioned in paragraph (4)).

- 25 (4) This Article does not apply where a court considers it appropriate to remand a child to customs detention under section 152 of the Criminal Justice Act 1988.

(5) In this Article, “commits to custody” means commits to custody following arrest, for trial or for sentencing.”.

Remand in custody exceeding three months

- 30 **15.** After Article 10J of the Criminal Justice (Children) (Northern Ireland) Order 1998 (inserted by section 14 of this Act), insert—

“Remand in custody exceeding three months

- 35 **10K.**—(1) Paragraph (2) applies where a court is deciding whether to remand a child charged with an offence for a further period such that the total period for which the child is remanded in custody will exceed three months.

(2) The court must have regard to—

(a) the likely period of any custodial sentence which a court would have the power to impose if the child is convicted of the offence in question, and

5 (b) the extent (if any) to which the total period for which the child is remanded in custody will exceed the likely period of any custodial sentence.

(3) Where a court remands a child in custody for a further period such that the total period for which the child is remanded in custody will exceed three months, the court must give reasons for doing so in open court.”.

10 **Consideration of time spent on remand in custody**

16. After Article 32 of the Criminal Justice (Children) (Northern Ireland) Order 1998, insert—

“Consideration of time spent on remand in custody

15 **32A.**—(1) This Article applies where a child has been found guilty of an offence and a court is deciding—

(a) whether to impose a sentence or order other than a custodial sentence, or

(b) where the court has a discretion to impose a custodial sentence, whether a sentence of that kind is justified.

20 (2) Before making the decision, the court must consider any period for which the child has been remanded in custody in connection with the offence.

25 (3) If the court decides that a custodial sentence is justified, nothing in this Article affects the court’s power to determine the length of that sentence.”.

Place of detention in custody for contempt of court

17. In Article 47 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (limitation on punishment for contempt of court), after paragraph (2) insert—

30 “(3) Where a child is ordered to be detained in reliance on paragraph (2), the child must be detained in a juvenile justice centre.”.

Removal of powers to remand or commit a child to custody

18.—(1) In the Treatment of Offenders Act (Northern Ireland) 1968—

(a) in section 2(a)(ii) (detention in young offenders centre of certain persons remanded or committed in custody) for “fifteen” substitute “18”;

(b) in section 5(3)(a) (detention in young offenders centre of persons not less than 16 but under 21 years of age for default) for “sixteen” substitute “18”.

5 (2) Omit Article 31 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (remand for purpose of obtaining information).

Supplementary

Minor and consequential amendments

19. In Schedule 4—

- 10 (a) Part 1 makes consequential amendments relating to bail for children;
(b) Part 2 makes minor and consequential amendments relating to the custody of children on sentencing, remand and committal.

Transitional provisions and savings: custody of children

15 **20.**—(1) The amendments made by sections 10 to 18, section 19(b) and Part 2 of Schedule 4 apply in relation to any sentence, remand or committal ordered by a court after commencement (whether the proceedings in which the order is made began before or after commencement); but this is subject to subsection (2).

20 (2) The amendments made by section 12(1) and paragraph 7(3)(a) of Schedule 4 (which relate to orders to be detained in a young offenders centre) do not apply where a court is passing a sentence in respect of an offence committed before commencement.

(3) Nothing in sections 10 to 18, section 19(b) or Part 2 of Schedule 4 affects the operation of any statutory provision in relation to a sentence, remand or committal to custody ordered by a court before commencement; but this is subject to subsection (4).

25 (4) In Article 44 of the Criminal Justice (Children) (Northern Ireland) Order 1998, insofar as it continues to have effect by virtue of subsection (3), the reference to “custodial sentence” includes a reference to a youth custody and supervision order.

30 (5) Where a child is subject to an order to be detained under section 5(1) of the Treatment of Offenders Act (Northern Ireland) 1968—

- (a) made before commencement and to which subsection (3) applies, or
(b) made after commencement in reliance upon subsection (2),

the order has effect as if it required the child to be detained in a juvenile justice centre rather than a young offenders centre.

35 (6) For the purposes of subsection (2), where the offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken to have been committed on the first of those days.

(7) In this section—

40 “child” means a person who is under the age of 18;

“commencement” means the coming into operation of sections 10 to 18, section 19(b) and Part 2 of Schedule 4;

“custody” includes prison;

“sentence” includes an order imposed in respect of an offence.

5

PART 3

ORGANISED CRIME GROUPS

Organised crime groups: definitions

- 21.—(1) The following definitions apply for the purposes of this Part.
- (2) An “organised crime group” means a group that—
- 10 (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.
- 15 (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.
- 20 (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.
- 25 (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
- 30 (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.

Participating in the criminal activities of an organised crime group

22.—(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.

Directing the criminal activities of an organised crime group

23.—(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.

Organised crime groups: amendments

24. 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.

5

PART 4

OTHER CRIMINAL, ANTI-SOCIAL AND ABUSIVE BEHAVIOUR

Advertising sexual services

Advertising sexual services

10 25. 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—

15 (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

20 (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.

25

(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;

30

(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).”.

Public order offences

35

Repeal of public order offences

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

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

(3) In Schedule 6—

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

5 (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 6 do not apply in relation to an offence committed before this section comes into operation.

Offence of trespassing with intent to commit criminal offence

10 **27.**—(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.

15 (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).

Arranging or facilitating begging for gain

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

20 (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).

Motor vehicles

Duty to administer preliminary test for drink or drugs in certain circumstances

25 **29.** 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—

30 “(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.”.

Drugs testing at authorised check-points

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

35 (2) In Article 13, in the opening words of paragraph (3)—

(a) for “or” (in the first place) substitute “, 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) for “or a” substitute “, 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) for “or” (in the second place) substitute “, 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.”.

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

5 **31.**—(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).

10 (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.

Domestic abuse involving threats or harm to animals

Family Homes and Domestic Violence (Northern Ireland) Order 1998

15 **32.**—(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—

20 (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—

25 “(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.”.

30 (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”.

35 (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”;

5 (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—

10 “(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.”.

Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021

15 **33.**—(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—

20 (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—

25 “(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,

30 (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)—

35 (a) the words from “children” to the end become sub-paragraph (i);

(b) after that sub-paragraph 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—

40 “(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.”.

Abolition of offences of blasphemy and blasphemous libel

Abolition of the offences of blasphemy and blasphemous libel

34. The common law offences of blasphemy and blasphemous libel are abolished.

PART 5

USE OF LIVE LINKS

CHAPTER 1

POLICE FUNCTIONS

Interviews

35.—(1) Article 40 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (responsibilities in relation to persons detained) is amended as follows.

(2) In paragraph (2)(a), for “a police officer investigating an offence for which that person is in police detention” substitute “another police officer at the police station where the person is in police detention, for the purpose of an interview that is part of the investigation of an offence for which the person is in police detention or otherwise in connection with the investigation of such an offence”.

(3) After paragraph (3) insert—

“(3A) Paragraphs (3B) and (3C) apply if the custody officer, in accordance with any code of practice issued under this Order, transfers or permits the transfer of a person in police detention to an officer mentioned in paragraph (2)(a) for the purpose of an interview that is to be conducted to any extent by means of a live link by another police officer who is investigating the offence but is not at the police station where the person in police detention is held at the time of the interview.

(3B) The officer who is not at the police station has the same duty as the officer mentioned in paragraph (2)(a) to ensure that the person is treated in accordance with the provisions of this Order and of any such codes of practice as are mentioned in paragraph (1).

(3C) If the person detained is subsequently returned to the custody of the custody officer, the officer who is not at the police station also has the same duty under paragraph (3) as the officer mentioned in paragraph (2)(a).

(3D) For the purpose of paragraph (3C), paragraph (3) applies as if the reference to “in his custody” were a reference to “being interviewed”.

(3E) In paragraph (3A), “live link” means an arrangement by which the officer who is not at the police station is able to see and hear, and to be

seen and heard by, the person in police detention, any legal representative of that person and the officer who has custody of that person at the police station (and for this purpose any impairment of eyesight or hearing is to be disregarded).”.

5 **Detention**

36.—(1) The Police and Criminal Evidence (Northern Ireland) Order 1989 is amended as follows.

(2) After Article 46 (detention before charge: supplementary) insert—

“Use of live links

10 **Functions of extending detention: use of live links**

46ZA.—(1) The functions of a police officer under Article 43(1) or (2) may be performed, in relation to an arrested person who is held at a police station, by an officer who is not present at the police station but has access to the use of a live link if—

- 15 (a) a custody officer considers that the use of the live link is appropriate,
- (b) the arrested person has had advice from a solicitor on the use of the live link, and
- (c) the appropriate consent to the use of the live link has been given.

(2) In paragraph (1)(c), “the appropriate consent” means—

- 20 (a) in relation to a person who has attained the age of 18, the consent of the person;
- (b) in relation to a person who has not attained the age of 18 but has attained the age of 14, the consent of the person and of the person’s parent or guardian;
- 25 (c) in relation to a person who has not attained the age of 14, the consent of the person’s parent or guardian.

(3) The consent of a person who has not attained the age of 18 (but has attained the age of 14), or who is a vulnerable adult, may only be given in the presence of an appropriate adult.

30 (4) Article 43 applies with the modifications set out in paragraphs (5) to (7) in any case where the functions of a police officer under that Article are, by virtue of paragraph (1), performed by an officer who is not at the police station where the arrested person is held.

35 (5) Paragraphs (4)(b) and (8)(b)(iii) and (iv) of that Article are each to be read as if, instead of requiring the officer to make a record, they required the officer to cause another police officer to make a record.

(6) Paragraph (5) of that Article is to be read as if it required the officer to give the persons mentioned in that paragraph an opportunity to make representations—

(a) if facilities exist for the immediate transmission of written representations to the officer, either in writing by means of those facilities or orally by means of the live link, or

(b) in any other case, orally by means of the live link.

5 (7) Paragraph (8) of that Article is to be read as if the reference in sub-paragraph (b) to the right conferred by Article 59 were omitted.

(8) In this Article—

10 “live link” means an arrangement by which an officer who is not present at the police station where an arrested person is held is able to see and hear, and to be seen and heard by, the arrested person and the arrested person’s solicitor (and for this purpose any impairment of eyesight or hearing is to be disregarded);

15 “vulnerable adult” means a person aged 18 or over who may have difficulty understanding the purpose of an authorisation under Article 43(1) or (2) or anything that occurs in connection with a decision whether to give such an authorisation (whether because of a mental disorder or for any other reason);

“appropriate adult”, in relation to a person aged under 18, means—

20 (a) the person’s parent or guardian or, if the person is in the care of an authority or voluntary organisation, a person representing that authority or organisation,

(b) a social worker of an authority, or

25 (c) if no person falling within sub-paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed for, or engaged on, police purposes;

“appropriate adult”, in relation to a vulnerable adult, means—

30 (a) a relative, guardian or other person responsible for the vulnerable adult’s care,

(b) a person who is experienced in dealing with vulnerable adults but who is not a police officer or a person employed for, or engaged on, police purposes, or

35 (c) if no person falling within sub-paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed for, or engaged on, police purposes.

(9) In paragraph (8)—

40 (a) in both definitions of “appropriate adult”, “police purposes” has the meaning given by section 77(1) of the Police (Northern Ireland) Act 2000;

(b) in the definition of “appropriate adult” in relation to a person aged under 18, “authority” and “voluntary organisation” have the meanings given by Article 2 of the Children (Northern Ireland) Order 1995.

Warrants for further detention: use of live links

46ZB.—(1) A magistrates’ court may give a live link direction for the purpose of the hearing of a complaint under Article 44 for a warrant authorising further detention of a person, or the hearing of a complaint under Article 45 for an extension of such a warrant, if—

- (a) a custody officer considers that the use of a live link for that purpose is appropriate,
- (b) the person to whom the complaint relates has had legal advice on the use of the live link,
- (c) the appropriate consent to the use of the live link has been given, and
- (d) it is not contrary to the interests of justice to give the direction.

(2) In paragraph (1)(c), “the appropriate consent” means—

- (a) in relation to a person who has attained the age of 18, the consent of the person;
- (b) in relation to a person who has not attained the age of 18 but has attained the age of 14, the consent of the person and of the person’s parent or guardian;
- (c) in relation to a person who has not attained the age of 14, the consent of the person’s parent or guardian.

(3) The consent of a person who has not attained the age of 18 (but has attained the age of 14), or who is a vulnerable adult, may only be given in the presence of an appropriate adult.

(4) Where a live link direction is given, the requirement under Article 44(2)(b) for the person to whom the complaint relates to be brought before the court for the hearing does not apply.

(5) In this Article—

“live link direction” means a direction that a live link be used for the purposes of the hearing;

“live link” means an arrangement by which a person (when not in the place where the hearing is being held) is able to see and hear, and to be seen and heard by, the court during a hearing (and for this purpose any impairment of eyesight or hearing is to be disregarded);

“vulnerable adult” means a person aged 18 or over who may have difficulty understanding the purpose of the hearing or what occurs at it (whether because of a mental disorder or for any other reason);

“appropriate adult”, in relation to a person aged under 18, means—

- (a) the person’s parent or guardian or, if the person is in the care of an authority or voluntary organisation, a person representing that authority or organisation,
- (b) a social worker of an authority, or

(c) if no person falling within sub-paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed for, or engaged on, police purposes;

5 “appropriate adult”, in relation to a vulnerable adult, means—

(a) a relative, guardian or other person responsible for the vulnerable adult’s care,

(b) a person who is experienced in dealing with vulnerable adults but who is not a police officer or a person employed for, or engaged on, police purposes, or

10 (c) if no person falling within sub-paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed for, or engaged on, police purposes.

15 (6) In paragraph (5)—

(a) in both definitions of “appropriate adult”, “police purposes” has the meaning given by section 77(1) of the Police (Northern Ireland) Act 2000;

20 (b) in the definition of “appropriate adult” in relation to a person aged under 18, “authority” and “voluntary organisation” have the meanings given by Article 2 of the Children (Northern Ireland) Order 1995.”.

(3) In Article 46A (use of video-conferencing facilities for decisions about detention)—

25 (a) for the heading substitute “Use of live links for other decisions about detention”;

(b) in paragraph (1)—

(i) for “the Secretary of State” substitute “the Department of Justice”;

(ii) in sub-paragraph (b), for the words from “video-conferencing facilities” to the end substitute “a live link”;

30 (c) in paragraph (3), for “the facilities mentioned in paragraph (1)” substitute “a live link”;

(d) in paragraph (7), in each of sub-paragraphs (a)(i) and (b), for “the video-conferencing facilities” substitute “the live link”;

(e) for paragraph (9) substitute—

35 “(9) In this Article, “live link”, in relation to any functions, means an arrangement by which the functions may be performed by an officer who is not present at the police station where an arrested person is held but who is able (for the purpose of the functions) to see and hear, and to be seen and heard by, the arrested person and any legal representative of that person (and
40 for this purpose any impairment of eyesight or hearing is to be disregarded).”.

(4) In consequence of the amendments made by subsection (3), in Article 41A (use of telephone for review under Article 41)—

(a) in paragraph (2)(a), for “video conferencing facilities” substitute “a live link”;

(b) in paragraph (5), “video-conferencing facilities” substitute “live link”.

Review of use of live links

5 **37.—**(1) The Department of Justice must appoint such person or body as it considers appropriate to—

10 (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—

15 (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

20 (c) any other information the Department considers appropriate.

(3) The persons who must be consulted are—

- 25 (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 35 and 36 have come into operation.

30 (5) The Department must lay the report before the Northern Ireland Assembly and publish it in such manner as it considers appropriate.

CHAPTER 2

COURTS AND TRIBUNALS

Directions for participation by live link

5 **38.**—(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.

10 (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,

15 (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.

20 (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 41 for further provision about the effect of a live link direction;

25 (b) sections 42 to 44 for provision about the giving of live link directions, and about varying or rescinding them.

Enabling the public to see and hear proceedings: limited transmission

39.—(1) Where—

 (a) there are proceedings before a court or statutory tribunal, and

30 (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 give 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—

35 (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—

- 5 (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).

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

(6) See sections 42 and 44 for provision about the giving of limited transmission directions, and about varying or rescinding them.

Enabling the public to see and hear proceedings: broadcast

15 **40.**—(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
- 20 (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.

25 (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.

30 (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—

- 35 (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.

40 (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 42 and 44 for provision about the giving of broadcast directions, and about varying or rescinding them.

5 **Effect of live link direction**

41.—(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.

10 (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).

15 (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,

20 (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—

25 (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.

30 (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;

35 (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.

Giving a direction under this Chapter

42.—(1) This section applies to—

 (a) a live link direction for the participation of a person (“P”);

40 (b) a limited transmission direction;

- (c) a broadcast direction.
- (2) A court or tribunal may give a direction—
- (a) of its own motion,
 - (b) on the application of a party to the proceedings, or
 - 5 (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.
- 10 (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
 - 15 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 43).
- 20 (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.
- 25 (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
- 30 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.

Presumption of giving evidence by live link in certain cases

- 35 **43.**—(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 7;

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 7.

10 (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.

15 **Varying or rescinding a direction under this Chapter**

44.—(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.

20 (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

25 (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

30 (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

35 (b) if it is a magistrates’ court, cause the reasons to be entered in the Order Book.

Offences in relation to participation through live link

45.—(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.

Offences in relation to limited transmission or broadcasting

46.—(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 39.

Meaning of “live link” for the purposes of this Chapter

47.—(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 38(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 38(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 38(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.
- 5 (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,
- 10 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).
- 15

Other definitions

- 48.**—(1) This section has effect for the purposes of this Chapter.
- (2) “Court” means—
- (a) the Court of Appeal,
 - 20 (b) the High Court,
 - (c) the Crown Court,
 - (d) a county court,
 - (e) a magistrates’ court, and
 - (f) a coroner holding an inquest.
- 25 (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—
- 30 (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—
- 35 (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;

5 (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.

Consequential amendments and transitional provisions

49. In Schedule 8—

10 (a) Part 1 contains amendments and repeals that are consequential on this Chapter;

(b) Part 2 contains transitional provision.

PART 6

ADMINISTRATION OF JUSTICE

Functions relating to the police

15 Powers to photograph certain persons at a police station

50. Schedule 9 makes provision conferring powers to photograph certain persons at a police station.

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

20 **51.**—(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

25 (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).

30 (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”.

Disciplinary proceedings concerning former police officers

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

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

35 (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—

- 5 (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,
- 10 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).

15 (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
- 20 (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—

- 25 (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
- 30 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.

35 (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—

- 40 (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).

5 (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.

10 (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)—

15 (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—

20 “(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—

25 (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.

30 (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—

35 (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.

40 (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

5 (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—

15 (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)—

30 (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)—

35 (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)—

40 (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)—

5 (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),”;

10 (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);

15 (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.

20 (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.

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

Police barred list and police advisory list

53. Schedule 10 inserts new Part 7A into the Police (Northern Ireland) Act 1998, relating to a police barred list and police advisory list.

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

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

35 “(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.

40 (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.”.

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

55.—(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.”.

Delegation of functions of the Policing Board

56. In Schedule 1 to the Police (Northern Ireland) Act 2000 (constitution etc of the NI Policing Board), after paragraph 24 insert—

“Delegation of functions

25.—(1) The Board may delegate any of the functions of the Board to—

(a) one or more members of the Board;

5 (b) one or more members of staff of the Board (employed as mentioned in paragraph 13(1) and (2)).

(2) A committee constituted under paragraph 24(1) or (1A) may delegate any of its functions to—

(a) one or more members of the committee;

10 (b) one or more members of staff of the Board (employed as mentioned in paragraph 13(1) and (2)).

(3) Functions delegated under sub-paragraph (1) or (2) are to be exercised under the general direction of the Board.”.

Removal of requirement to audit performance plans etc

15 **57.**—(1) In the Police (Northern Ireland) Act 2000 (“the 2000 Act”), omit section 29 (audit by Comptroller and Auditor General of performance plans and performance summary).

(2) In consequence of subsection (1), omit the following provisions—

(a) in section 31(1) of the 2000 Act, the words “29(4) or (4A) or”;

(b) section 31(3) and (4) of that Act;

20 (c) section 9 of the Police (Northern Ireland) Act 2003;

(d) in Schedule 3 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), paragraphs 56 and 58(1)(c) and (d).

Criminal proceedings

25 **Consent for prosecution in cases of conspiracy to commit offence outside Northern Ireland**

58. In Article 12 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (restrictions on the institution of proceedings for conspiracy), in paragraph (5)—

30 (a) for “Article 9” substitute “Article 9A”;

(b) for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

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

35 **59.**—(1) Section 7 of the Domestic Violence, Crime and Victims Act 2004 (offence of causing or allowing death of child or vulnerable adult: evidence and procedure) is amended as follows.

(2) After subsection (3) insert—

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

5 **Examination in criminal proceedings through intermediary**

60. In Article 21BA of the Criminal Evidence (Northern Ireland) Order 1999 (examination of accused through intermediary), for paragraph (1) substitute—

“(1) This Article applies to any proceedings—

- 10 (a) in a magistrates’ court, or before the Crown Court, against a person for an offence,
- (b) in the county court on an appeal by a person under Article 140 or 141 of the Magistrates’ Courts (Northern Ireland) Order 1981, and
- (c) in the Court of Appeal on an appeal by a person under section 1 or 8 of the Criminal Appeal (Northern Ireland) Act 1980.”.

15 **Accredited providers of restorative justice services**

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

- (a) determine requirements for the accreditation of persons to provide restorative justice services, and
- 20 (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—

- 25 (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;
- 30 (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;
- 35 (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
- 40 (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.

Legal aid

Legal aid charges to be registrable in the statutory charges register

62. In Schedule 11 to the Land Registration Act (Northern Ireland) 1970 (matters registrable in the Statutory Charges Register), after paragraph 54 insert—

- “55.—(1) A charge—
- (a) created by Article 12(5) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, or
 - (b) created in favour of the Department of Justice by Article 17(7) of the Access to Justice (Northern Ireland) Order 2003,
- so far as the charge is within sub-paragraph (2) or (3).
- (2) A charge is within this sub-paragraph if it—
- (a) affects any registered or unregistered land, and
 - (b) is on property recovered or preserved on or after the relevant day.
- (3) A charge is within this sub-paragraph if it—
- (a) affects any registered land, and
 - (b) is on property recovered or preserved before the relevant day,
- if immediately before that day the charge is not registered under section 44 as a burden affecting that land.

(4) So far as sub-paragraph (1) applies to a charge on any property, it does so from the time the charge is created (or, in the case of a charge created before the relevant day, from that day).

5 (5) The “relevant day”, in relation to any property, is determined in accordance with sub-paragraphs (6) and (7).

(6) If—

(a) the property is recovered or preserved by or for a person,

(b) it consists of an estate in any land, and

10 (c) the person has, or is entitled to, a legal estate in possession in that land, whether or not as a result of the recovery or preservation, and whether alone or with others,

the relevant day is the day on which this paragraph comes into operation.

15 (7) In relation to any other description of property, the relevant day is such day as the Department of Justice may by regulations specify in relation to that description of property.

(8) Regulations made under sub-paragraph (7) are subject to negative resolution.”.

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

20 **63.**—(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—

25 “(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—

30 “(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.”.

Criminal records

Rehabilitation periods for convictions

64.—(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—

- 5 (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;
- 10 (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;
- 15 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

20	<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>
25	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
30	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
35	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

	<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>
5	A service supervision and punishment order under the Armed Forces Act 2006	1 year	6 months
10	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

15 **Table B**

Custodial sentences available only where offender is under 18

	<i>Sentence</i>	<i>The rehabilitation period ends at the end of—</i>
20	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
25	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
30	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
35	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	The term of the sentence plus 6 months
40		

<i>Sentence</i>	<i>The rehabilitation period ends at the end of—</i>
of detention under Article 45 of that Order for a term of 1 year or less	

5 (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.

10 (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).

15 (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—

20 (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

25 (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”.

30 (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)—

35 (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);

40 (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—

- 5 (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.”.

10 (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
15 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—

- 20 (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
- 25 (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”.

30 (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).

35 (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
40 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;

5 (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.

Applications in respect of certain sentences otherwise excluded from rehabilitation

10 **65.**—(1) After Article 7 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 insert—

“Applications in respect of certain sentences otherwise excluded from rehabilitation

15 **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—

20 (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;

25 (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)—

30 (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.

35 (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);

40 (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;
- 5 (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;
- 10 (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—
 - 15 (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.
- 20 (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—
 - 25 (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—
 - 30 “(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.”.

Automatic review of certain criminal records certificates

- 35 **66.**—(1) Schedule 8A to the Police Act 1997 (which provides for an independent review of certain criminal record certificates) is amended as follows.
- (2) In paragraph 6—
 - (a) in sub-paragraph (1), for head (b) substitute—
 - “(b) sub-paragraph (1A) or (1B) applies.”;
 - (b) after sub-paragraph (1) insert—

“(1A) This sub-paragraph applies where the certificate would—

(a) contain details of any spent conviction which occurred at a time when the person was under the age of 18, but

5 (b) not contain details of any conviction (whether spent or not) or other disposal occurring at a time when the person was aged 18 or over.

(1B) This sub-paragraph applies where the certificate would contain details of any other disposal which occurred at a time when the person was under the age of 18.”;

(c) in sub-paragraph (3)—

10 (i) in head (a), after “conviction” insert “which occurred at a time when the person was under the age of 18”;

(ii) in head (b), at the end, add “which occurred at a time when the person was under the age of 18”.

15 (3) In the cross-heading before paragraph 6, for the words from “containing” to the end, substitute “: spent convictions or other disposals of person under 18”.

Matters to be included in criminal record certificates

67.—(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—

20 ““relevant matter” means any of the following—

(a) a current conviction;

(b) a conviction for an offence falling within Schedule 8ZA;

25 (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;

30 (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—

35 “(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;
- 5 (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);
- 10 (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—
- 15 “(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—
 - 20 (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
 - 25 “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”;
 - 30 (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”.
- 35 (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 11 inserts into the Police Act 1997 a new Schedule 8ZA (matters to be included in a criminal record certificate: Northern Ireland).

Rehabilitation of offenders: excluded offences

5 **68.**—(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.

Court Security

Security at buildings used for courts and tribunals etc

69.—(1) The Justice (Northern Ireland) Act 2004 is amended as follows.

(2) In paragraph 1 of Schedule 3—

15 (a) at the end of sub-paragraph (3)(b) add “or otherwise for the purposes of providing security at a relevant building.”;

(b) after sub-paragraph (5) insert—

“(5A) In this Schedule, “relevant building” means any building within sub-paragraph (6) or (6A).”;

20 (c) in sub-paragraph (6), for “in this Schedule “relevant building” means any building” substitute “a building is within this sub-paragraph if it is a building”;

(d) after sub-paragraph (6) insert—

““(6A) A building is within this sub-paragraph if—

25 (a) it is owned or occupied by the Department of Justice,

(b) it is a building where a judicial officer sits, and

(c) it is specified in regulations made by the Department.”;

(e) at the end add—

30 “(9) The power to specify a building under sub-paragraph (6A)(c) includes a power to specify so much of that building as is used for the purposes of, or in connection with, the sittings of a judicial officer.

(10) For the purposes of this Schedule, “judicial officer” means—

(a) a person holding a “listed judicial office” within the meaning given by section 2 of the Justice (Northern Ireland) Act 2002, or

(b) a person exercising judicial or quasi-judicial functions.”.

35 (3) In paragraph 3 of Schedule 3—

(a) in sub-paragraph (3)(a), for “office-holder mentioned in paragraph 1(6)” substitute “judicial officer”;

(i) for sub-paragraph (6)(b) and (c) substitute—

“(b) another judicial officer who is exercising functions in the building, or”.

(4) In section 21(3), after “paragraph 1(4)” insert “or (6A)”.

Day of release from detention

5 **Day of release from detention**

70.—(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—

10 **“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.

15 (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—

20 (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—

25 (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;

30 “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.”.

PART 7

FINAL PROVISIONS

Further provision

- 5 **71.**—(1) The Department of Justice may by regulations make—
- (a) such supplementary, incidental or consequential provision;
 - (b) such transitory, transitional or saving provision,
- as it considers appropriate for the general purposes, or any particular purpose, of this Act, or in consequence of, or for giving full effect to, any provision made by this Act.
- 10 (2) Regulations under subsection (1) may amend any statutory provision (including this Act).
- (3) Regulations under subsection (1) or under section 3(10)—
- (a) except where they amend primary legislation, are subject to negative resolution;
 - 15 (b) if they amend primary legislation, may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.
- (4) In subsection (3) “primary legislation” means—
- (a) any Northern Ireland legislation;
 - 20 (b) any Act of Parliament.
- (5) In this section “amend” includes repeal, revoke or otherwise modify.

Interpretation

72. In this Act, “statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

25 Commencement

- 73.**—(1) The following come into operation on the day after the day on which this Act receives Royal Assent—
- (a) sections 56, 57, 58, 59, 62, 63 and 66 (which contain miscellaneous amendments relating to the administration of justice);
 - 30 (b) this Part.
 - (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;
 - 35 (ii) paragraphs 7(a), 8, 9(a) and 10.
- (2) The following come into operation at the end of the period of 2 months beginning with the day on which this Act receives Royal Assent—
- (a) sections 5 to 8 (which relate to bail for children);

(b) sections 10 to 20 and Schedules 3 and 4 (which relate to custody of children).

(c) sections 64 and 65 (which relate to rehabilitation periods for convictions).

5 (3) 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.

(4) The other provisions of this Act come into operation on such day or days as the Department of Justice may by order appoint.

Short title

10 **74.** This Act may be cited as the Justice Act (Northern Ireland) 2026.

SCHEDULES

SCHEDULE 1

Section 1.

NORTHERN IRELAND COMMISSIONER FOR THE RETENTION OF BIOMETRIC MATERIAL

- 5 After Schedule 2A to the Police and Criminal Evidence (Northern Ireland) Order 1989 (as inserted by the Crime and Security Act 2010) insert—

“SCHEDULE 2B

Article 63Z1.

10 NORTHERN IRELAND COMMISSIONER FOR THE RETENTION OF BIOMETRIC
MATERIAL

- 1.—(1) The Northern Ireland Commissioner for the Retention of Biometric Material is to hold office in accordance with the terms of the Commissioner’s appointment.
- (2) Sub-paragraph (1) is subject to paragraphs 2 to 4.
- 15 2. The term for which the Commissioner is appointed must not exceed 4 years.
3. The Commissioner may not be appointed for more than 2 terms.
4. The Department of Justice may remove the Commissioner from office if the Department is satisfied that the Commissioner—
- 20 (a) before appointment to the office, failed to disclose to the Department a conviction for a criminal offence in Northern Ireland or elsewhere,
- (b) has been convicted of a criminal offence committed after the date of appointment to the office,
- 25 (c) has become bankrupt or made a composition or arrangement with creditors,
- (d) has failed, without reasonable cause, to discharge the functions of the office for a continuous period of 3 months,
- (e) has breached the terms and conditions of appointment, or
- (f) is otherwise unable or unfit to discharge the functions of the office.
- 30 5. The Department of Justice may—
- (a) pay in respect of the Commissioner any expenses, remuneration or allowances that the Department may determine;
- (b) after consultation with the Commissioner, provide the Commissioner with such staff, accommodation, equipment and other facilities as

the Department considers necessary for the carrying out of the Commissioner's functions.

6.—(1) The Commissioner may authorise, to such extent as the Commissioner determines, any person to perform any of the functions mentioned in sub-paragraph (2).

(2) The functions are—

- (a) the Commissioner's functions under Article 63G(5) and (6);
- (b) any functions conferred on the Commissioner by regulations under Article 63V(3)(d).

(3) The giving of authority under sub-paragraph (1) does not—

- (a) affect the Commissioner's responsibility for the performance of the functions, or
- (b) prevent the Commissioner from performing the functions.”.

SCHEDULE 2

Section 2.

RETENTION OF FINGERPRINTS AND DNA PROFILES: AMENDMENTS

PART 1

FURTHER PROVISION IN RELATION TO CERTAIN DISPOSALS

1. The provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989 which are inserted by this Act are amended as follows.

2. In Article 53B(1A), after the words “the person being given”, in the second place where they occur, insert “a conditional caution under section 71 of the Justice Act (Northern Ireland) 2011,”.

3. After Article 63Q insert—

“Persons given a prosecutorial fine notice

63QA.—(1) This Article applies where P is given a prosecutorial fine notice under section 18 of the Justice Act (Northern Ireland) 2015.

(2) P's material may be retained until the end of the period of 2 years beginning with the date on which P was given the prosecutorial fine notice.”.

PART 2

MINOR AND CONSEQUENTIAL AMENDMENTS

Police and Criminal Evidence (Northern Ireland) Order 1989

4.—(1) Article 53 of the Police and Criminal Evidence (Northern Ireland) Order
5 1989 (interpretation of Part 6) is amended as follows.

(2) In paragraph (1) at the appropriate places in alphabetical order insert—

““DNA profile” means any information derived from a DNA sample;

“DNA sample” means any material which—

(a) has been taken by the police from a person—

10 (i) under a power conferred by Article 62 or 63, or

(ii) with the consent of that person, in connection with the
investigation of an offence by the police;

(b) consists of or includes human cells; and

(c) was taken for the purpose of deriving a DNA profile from
15 it;”.

(3) After paragraph (3) insert—

“(3A) In paragraph (3) the reference to the destruction of a sample does
not include a reference to the destruction of a sample under Article 63X
(requirement to destroy samples).

20 (3B) Any reference in Article 63F, 63G or 63Z to a person being charged
with an offence includes a reference to a complaint being laid against the
person for an offence.

25 (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.”.

30 5. In Article 53A(2) (list of “qualifying offences” for the purposes of Part 6)
in sub-paragraph (h) (offences under the Theft Act (Northern Ireland) 1969) for
“section 9” substitute “section 8, 9”.

6. After Article 53A insert—

“Persons convicted of an offence

53B.—(1) For the purposes of this Part, any reference to a person who
is convicted of an offence includes a reference to—

35 (a) a person who has been given a caution in respect of the offence
which, at the time of the caution, the person has admitted,

(b) a person who has been found not guilty of the offence by reason of
insanity, or

(c) a person who has been found to be unfit to be tried and to have done the act charged in respect of the offence.

(2) 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.

(3) The Department may by regulations amend paragraph (2) to reflect a change in nomenclature of the disposals mentioned in that paragraph.

(4) This Part, so far as it relates to persons convicted of an offence, has effect despite anything in the Rehabilitation of Offenders (Northern Ireland) Order 1978.

(5) See also Article 53(4) (which deals with findings equivalent to those mentioned in paragraph (1)(b) or (c) by courts which exercise jurisdiction under the laws of countries or territories outside Northern Ireland).”.

7. In Article 61 (fingerprinting)—

(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) in paragraph (5C)(b) (as inserted by section 83(1) of the Justice Act (Northern Ireland) 2015), for “63B(2)” substitute “63C(1)”;

(d) 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.”;

(e) in paragraph (6ZA)(a) (as substituted by that subsection), omit “or cautioned”.

8. 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”.

9. In Article 63 (non-intimate samples)—

(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”;

(b) 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 “63X”;

- (c) in paragraph (3AA) (as inserted by section 83(2) of the Justice Act (Northern Ireland) 2015)—
- (i) for “63B(2)” substitute “63C(1)”;
 - (ii) for “63Q(2), (3) or (10)” substitute “63X(2) or (3)”.
- 5 (d) 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.”;
- 10 (e) in paragraph (3BA)(a) (as substituted by that subsection), omit “or cautioned”.
10. 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
15 “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”.
- 20 11. Article 64 (destruction of fingerprints and samples) is repealed.
- 12.—(1) Part 6 (questioning and treatment of persons by police) is amended as follows.
- (2) Before Article 53 (interpretation of Part 6) insert—
- “Interpretation”.*
- 25 (3) Before Article 54 (abolition of certain powers to search persons) insert—
- “Searches etc”.*
- (4) Before Article 57 (right to have someone informed) insert—
- “Rights to have someone informed and to legal advice”.*
- (5) Before Article 60 (tape recording of interviews) insert—
- 30 *“Interviews”.*
- (6) Before Article 61 (fingerprinting) insert—
- “Taking of fingerprints, samples, etc”.*
- (7) Before Article 64A (photographing of suspects etc) insert—
- “Photographs”.*
- 35 13.—(1) Article 89 (orders and regulations) is amended as follows.
- (2) After paragraph (2) insert—

“(2A) Regulations under Article 53B(1B), 63G(4)(b), 63S(4), 63U(5) or 63V(1) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

5 14.—(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”.

Police (Amendment) (Northern Ireland) Order 1995

25 15. Article 13 of the Police (Amendment) (Northern Ireland) Order 1995 is repealed.

Criminal Justice and Police Act 2001

16. Sections 83 and 138(10) of the Criminal Justice and Police Act 2001 are repealed.

Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007

30 17. Article 35 of the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 is repealed.

Counter-Terrorism Act 2008

- 18.—(1) The Counter-Terrorism Act 2008 is amended as follows.
- (2) Section 15(4) to (6) is repealed.
- 35 (3) In section 18(8)(c), for “63A and 64” substitute “and 63A to 63Z”.

Crime and Security Act 2010

19. Sections 15, 22 and 58(5) of the Crime and Security Act 2010 are repealed.

Protection of Freedoms Act 2012

20.—(1) In Part 6 of Schedule 1 to the Protection of Freedoms Act 2012,
5 paragraph 7 is amended as follows.

(2) In sub-paragraph (1), for “Article 64” (in both places) substitute “Article 63B”.

(3) In sub-paragraph (2), for paragraphs (a) and (b) substitute “the material may be retained”.

Criminal Justice Act (Northern Ireland) 2013

21. In the Criminal Justice Act (Northern Ireland) 2013, the following are repealed—

(a) section 9;

(b) Schedules 2 and 3;

(c) Part 3 of Schedule 4.

Justice Act (Northern Ireland) 2015

22.—(1) The Justice Act (Northern Ireland) 2015 is amended as follows.

(2) Sections 84 to 87 are repealed.

(3) In Schedule 8, paragraph 7 is repealed.

Counter-Terrorism and Border Security Act 2019

23.—(1) The Counter-Terrorism and Border Security Act 2019 is amended as follows.

(2) In Schedule 2, paragraph 5(2) is repealed.

(3) In Schedule 4, paragraph 20(9) is repealed.

National Security Act 2023

24. In Schedule 18 to the National Security Act 2023, paragraph 5(8) and (9) is repealed.

Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

25. In section 35(4) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, for paragraphs (a) and (b) of the definition of “destruction provisions” substitute—

“(a) Article 63C of the Police and Criminal Evidence (Northern Ireland) Order 1989.”.

SCHEDULE 3

Section 13.

YOUTH CUSTODY AND SUPERVISION ORDERS: BREACH OF SUPERVISION
REQUIREMENTS

5 In the Criminal Justice (Children) (Northern Ireland) Order 1998, after Schedule
1A insert—

“SCHEDULE 1B

Article 38E.

10 YOUTH CUSTODY AND SUPERVISION ORDERS: BREACH OF SUPERVISION
REQUIREMENT

Interpretation

1. In this Schedule—

“supervision requirement” means a requirement with which an offender
must comply under Article 38A(5) or 38D(3) or (4);

15 “breach”, in relation to a supervision requirement, means a failure to
comply with it.

Breach of a supervision requirement: issue of summons or warrant

2.—(1) Sub-paragraph (2) applies where—

20 (a) a youth custody and supervision order has been made in respect of
an offender, and

(b) it appears upon a complaint made to a lay magistrate that the
offender has breached a supervision requirement under the order.

(2) The magistrate may—

25 (a) issue a summons directed to the offender requiring the offender to
appear before a court of summary jurisdiction specified in the
summons, or

(b) if the complaint is in writing and on oath, issue a warrant for the
offender’s arrest requiring the offender to be brought before a court
of summary jurisdiction specified in the warrant.

30 *Power of court to deal with offender for breach of supervision requirement*

3.—(1) If it is proved to the satisfaction of the court that the offender
has, without reasonable excuse, breached a supervision requirement the
court may deal with the matter under paragraph 4 or 5.

35 (2) In making an order under paragraph 4 or imposing a fine under
paragraph 5, the court must take into account the extent to which the

offender has complied with any supervision requirement under the youth custody and supervision order.

(3) In this paragraph and in paragraphs 4 and 5—

“the court” means the court before which an offender appears or is brought under paragraph 2;

“the offender” means the offender referred to in that paragraph;

“the youth custody and supervision order” means the order referred to in that paragraph.

Further period of detention

4.—(1) Where the youth custody and supervision order is in force, the court may order the offender to be detained for a period not exceeding the remainder of the period during which the order has effect.

(2) If the offender is an adult when the order under sub-paragraph (1) is made, the offender must be detained in a young offenders centre.

(3) Where the court makes an order under sub-paragraph (1), any remaining period of supervision is to be reduced by the further period of detention.

(4) A further period of detention is to be treated for the purposes of any statutory provision as being ordered by the youth custody and supervision order and, accordingly—

(a) the offender is to be treated as being detained under the youth custody and supervision order during any such period, and

(b) any reference to the period for which a person is detained under a youth custody and supervision order includes any further period of detention.

Fine

5.—(1) The court may impose on the offender a fine not exceeding £1,000.

(2) Where a court imposes a fine—

(a) if the offender is under the age of 16, it must order that the fine is to be paid by the parent or guardian of the offender instead of by the offender, unless it is satisfied that there is a good reason for not doing so, and

(b) if the offender is aged 16 or over but is under the age of 18, it may order that the fine is to be paid by the parent or guardian of the offender instead of by the offender.

(3) A fine ordered to be paid by a parent or guardian may be recovered from the parent or guardian by distress or by imprisonment in default of payment in the same manner as if the order had been made on the conviction of the parent or guardian of the offence for which the youth custody and supervision order was made.

(4) A parent or guardian may appeal to a county court against an order under sub-paragraph (2).”.

SCHEDULE 4

Section 19.

5 CHILD BAIL AND CUSTODY: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS RELATING TO BAIL

Criminal Justice (Children) (Northern Ireland) Order 1998

10 1. Omit Article 12 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (release on bail).

Criminal Justice (Northern Ireland) Order 2003

2. In Article 6 of the Criminal Justice (Northern Ireland) Order 2003 (arrest for absconding or breaking conditions of bail), in paragraph (7) for “Articles 12 and 13” substitute “Part 3B”.

15 *Criminal Justice Act 2003*

3. In section 96 of the Criminal Justice Act 2003 (application of Part 10 to Northern Ireland) in subsection (13), in the text to be substituted for section 88(1), after subsection (1)(b) insert—

“(ba) Article 48ZA of that Order does not apply, and”.

20 *Criminal Justice (Northern Ireland) Order 2008*

4. In Article 43 of the Criminal Justice (Northern Ireland) Order 2008 (release of child on bail: curfew and electronic monitoring requirements), in paragraph (1), for “Article 12” substitute “Article 10E”.

PART 2

25 AMENDMENTS RELATING TO CUSTODY ON SENTENCING, REMAND AND COMMITTAL

General amendment of references to a juvenile justice centre order

30 5.—(1) In any statutory provision passed or made before this Act, a reference to a juvenile justice centre order made under Article 39 of the Criminal Justice (Children) (Northern Ireland) Order 1998 must be construed as a reference to a youth custody and supervision order made under Article 38A of that Order.

(2) Sub-paragraph (1) does not apply—

(a) to any reference that is amended or omitted by this Act;

(b) where the context otherwise requires.

Prison Act (Northern Ireland) 1953

6.—(1) The Prison Act (Northern Ireland) 1953 is amended as follows.

5 (2) In section 10(1) for “, young offenders centre and remand centre” substitute “and young offenders centre”.

(3) In section 47(1A)—

(a) omit paragraph (b);

(b) in the words following paragraph (c) omit “and remand centres”.

Treatment of Offenders Act (Northern Ireland) 1968

10 7.—(1) The Treatment of Offenders Act (Northern Ireland) 1968 is amended as follows.

(2) In section 2—

(a) omit paragraphs (b) and (c);

15 (b) in the words after paragraph (c) and in the heading omit “and remand centres”.

(3) In section 5—

(a) in subsection (1) omit “, subject to Article 47 of the Criminal Justice (Children) (Northern Ireland) Order 1998,”;

20 (b) in subsection (3) omit “, subject to Article 46C of the Criminal Justice (Children) (Northern Ireland) Order 1998,”.

(4) Omit section 9 and the italic heading before it.

(5) In section 33(1) omit the definitions of “remand centre” and “remand home”.

Magistrates’ Courts (Northern Ireland) Order 1981

25 8.—(1) The Magistrates’ Courts (Northern Ireland) Order 1981 is amended as follows.

(2) In Article 47(6) for sub-paragraph (b) substitute—

“(b) a youth custody and supervision order under Article 38A of the Criminal Justice (Children) (Northern Ireland) Order 1998.”.

30 (3) In Article 140(2A)(c) for the words from “Article 41(2)” to the end substitute “paragraph 4 or 5 of Schedule 1B to the Criminal Justice (Children) (Northern Ireland) Order 1998”.

Child Abduction (Northern Ireland) Order 1985

9.—(1) The Child Abduction (Northern Ireland) Order 1985 is amended as follows.

35 (2) In Article 3(7) for “juvenile justice centre order” substitute “youth custody and supervision order”.

(3) In the Schedule, in paragraph 4—

(a) in sub-paragraph (1) for “juvenile justice centre order” substitute “youth custody and supervision order”;

5 (b) in sub-paragraph (3) for ““juvenile justice centre order” has the same meaning as in Article 39” substitute ““youth custody and supervision order” has the same meaning as in Article 38A”.

Mental Health (Northern Ireland) Order 1986

10.—(1) The Mental Health (Northern Ireland) Order 1986 is amended as follows.

(2) In Article 44—

10 (a) in paragraph (1A)(b), for “or (5)” substitute “, (5) or (5A)”;

(b) in paragraph (8), for the words from “including an order” to the end substitute “including a youth custody and supervision order under Article 38A of the Criminal Justice (Children) (Northern Ireland) Order 1998”.

(3) In Article 50A(7)—

15 (a) omit sub-paragraph (c);

(b) in the words following paragraph (d) omit “, remand centre”.

(4) In Article 53(5)(a) for the words from “including an order” to “juvenile justice centre” substitute “including a youth custody and supervision order under Article 38A of the Criminal Justice (Children) (Northern Ireland) Order 1998”.

20 (5) In Article 54(2)(a) omit “or remand centre”.

Criminal Justice Act 1988

11. In section 36(9)(aa) of the Criminal Justice Act 1988, in the text to be substituted, in sub-paragraph (ii) for “or (5)” substitute “, (5) or (5A)”.

Police and Criminal Evidence (Northern Ireland) Order 1989

25 12. In Article 2(5) of the Police and Criminal Evidence (Northern Ireland) Order 1989 for “, a juvenile justice centre and a remand centre” substitute “and a juvenile justice centre”.

Treatment of Offenders (Northern Ireland) Order 1989

30 13. In Article 13 of the Treatment of Offenders (Northern Ireland) Order 1989—

(a) in paragraph (1), for “17” substitute “18”;

(b) omit paragraph (6);

(c) in the heading, for “17” substitute “18”.

Criminal Justice Act 1991

35 14. In section 92 of the Criminal Justice Act 1991, in subsection (4)(b) omit “remand centre or”.

Children (Northern Ireland) Order 1995

15.—(1) The Children (Northern Ireland) Order 1995 is amended as follows.

(2) In Article 2—

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

5 ““youth custody and supervision order” means an order under Article 38A of the Criminal Justice (Children) (Northern Ireland) Order 1998;”;

(b) in paragraph (9)(b) for “juvenile justice centre order” substitute “youth custody and supervision order”.

10 (3) In Article 107(5) for “juvenile justice centre order” substitute “youth custody and supervision order”.

(4) In Schedule 4, in paragraph 4(1)(b) for “juvenile justice centre order” substitute “youth custody and supervision order”.

Juries (Northern Ireland) Order 1996

15 16. In Schedule 2 to the Juries (Northern Ireland) Order 1996, in the entry relating to governors or chaplains of certain establishments, in paragraph (c) omit “remand centre or”.

Criminal Justice (Northern Ireland) Order 1996

17.—(1) The Criminal Justice (Northern Ireland) Order 1996 is amended as follows.

20 (2) In Article 2(2), in the definition of “custodial sentence”, in paragraph (b)—

(a) in sub-paragraph (ii) after “Article 45(1)” insert “or (2)”;

(b) for sub-paragraph (iii) substitute—

 “(iii) a youth custody and supervision order under Article 38A of the Criminal Justice (Children) (Northern Ireland) Order 1998;”.

25 (3) In each of the following, for “or (5)” substitute “, (5) or (5A)” —

(a) Article 2(9);

(b) Article 4(1);

(c) Article 10(1);

(d) Article 13(1);

30 (e) Article 15(1).

Police Act 1997

18.—(1) Section 93 of the Police Act 1997 is amended as follows.

(2) In subsection (6)(cbc) omit sub-paragraph (iii) (but not the “or” at the end).

(3) In subsection (8)—

35 (a) in the definition of “member of senior management for prisons in Northern Ireland”, in paragraph (b) omit “remand centres”;

(b) in the definition of “Northern Ireland prison officer” omit “or remand centre”;

(c) in the definition of “relevant Northern Ireland institution” omit “, remand centre”.

5 *Criminal Justice (Children) (Northern Ireland) Order 1998*

19.—(1) The Criminal Justice (Children) (Northern Ireland) Order 1998 is amended as follows.

(2) In Article 2—

10 (a) omit the definitions of “juvenile justice centre order”, “remand centre” and “secure accommodation”;

(b) at the appropriate place insert—

 ““youth custody and supervision order” means an order under Article 38A.”.

15 (3) In Article 3A, in paragraphs (6)(c) and (7)(f) for “juvenile justice centre order or custody care order” substitute “youth custody and supervision order”.

(4) Omit Article 13 (remand in custody).

(5) In Article 22(3), for sub-paragraph (e) substitute—

20 “(e) where a youth custody and supervision order is made in respect of the offence, the enforcement of any requirements imposed under Article 38D(3).”.

(6) In Article 45, in paragraph (8) omit “and Article 46”.

(7) In Article 49, in paragraphs (2) and (4) for “juvenile justice centre order” substitute “youth custody and supervision order”.

(8) In Article 51—

25 (a) in paragraph (1), for “offenders in respect of whom juvenile justice centre orders have been made” substitute “persons”;

(b) after that paragraph insert—

 “(1A) The persons who are liable to be detained in a juvenile justice centre include—

30 (a) persons liable to be detained in a juvenile justice centre pursuant to a youth custody and supervision order or any other custodial sentence;

(b) persons remanded in or committed to custody in a juvenile justice centre by order of a court;

35 (c) persons taken to a juvenile justice centre in accordance with Article 8(3) or Article 39(6) of the Police and Criminal Evidence (Northern Ireland) Order 1989.”.

(9) In Schedule 1A, in paragraph 8(6)(b)—

(a) for “the place to which it would remand him if making an order under Article 13” substitute “a juvenile justice centre”;

(b) for “a remand centre” substitute “a young offenders centre”.

(10) In Schedule 2—

(a) in paragraph 1(1) for “juvenile justice centre order” substitute “youth custody and supervision order”;

5 (b) for paragraph 6 substitute—

“6.—(1) A person must not be detained in a juvenile justice centre if the person has attained the age of 18 years and 6 months.

Any power to detain a person in a juvenile justice centre has effect subject to this paragraph.

10 (2) If a person detained in a juvenile justice centre has attained the age of 18 years, the managers of the centre may, in accordance with arrangements approved by the Department of Justice, transfer the person to a young offenders centre for the unexpired part of the period for which that person is liable to be detained in a juvenile justice centre.

15 (3) In relation to a person transferred to a young offenders centre under this paragraph—

(a) an order under which the person was detained in the juvenile justice centre continues to have effect (subject to sub-paragraph (2));

20 (b) Article 54 (escapes) has effect as if references to a juvenile justice centre were references to a young offenders centre;

(c) the references to the managers of the juvenile justice centre in Articles 38D(2), 49 and 54(1) must be construed as references to the governor of the young offenders centre.

25 (4) The Department of Justice may at any time order a person who is transferred under this paragraph to be discharged.”.

(11) In Schedule 5 omit paragraphs 3 to 5, 19, 23, 24(a), 25 and 27.

Youth Justice and Criminal Evidence Act 1999

20.—(1) Paragraph 3(9) of Schedule 2 to the Youth Justice and Criminal Evidence Act 1999 is amended as follows.

30 (2) In the inserted subsection (13)—

(a) omit paragraph (a);

(b) in paragraph (c)(ii) for the words from “juvenile justice centre order” to the end substitute “youth custody and supervision order and to Article 38D(2) and (3) of the Criminal Justice (Children) (Northern Ireland) Order 1998.”.

35

(3) Omit the inserted subsection (14).

Justice (Northern Ireland) Act 2002

21.—(1) The Justice (Northern Ireland) Act 2002 is amended as follows.

(2) In section 46—

- (a) in subsection (1) omit paragraph (i);
- (b) omit subsection (5).
- (3) Omit section 64.
- (4) In section 89 omit subsection (9).
- 5 (5) In Schedule 11 omit paragraphs 2 and 5.
- (6) In Schedule 12—
 - (a) omit paragraphs 14, 30, 32 to 40, 42 to 46, 48, 50 to 52, 55(4), 57, 59, 60, 68, and 72 to 74;
 - (b) in paragraph 31(3), in inserted paragraph (2A)—
 - 10 (i) in sub-paragraph (c) omit “or 44F(3) or (4)”;
 - (ii) in sub-paragraph (d) omit “44C(3)(a) or”;
 - (c) in paragraph 67—
 - (i) in sub-paragraph (3) omit the definition of “custody care order”;
 - (ii) in sub-paragraph (7) omit the definitions of “remand centre” and
 - 15 “secure accommodation”.

Sexual Offences Act 2003

- 22. In section 131 of the Sexual Offences Act 2003—
 - (a) for paragraph (d) substitute—
 - 20 “(d) a period for which a person is ordered to be detained under Article 38A of the Criminal Justice (Children) (Northern Ireland) Order 1998;”;
 - (b) omit paragraphs (c) and (e).

Marriage (Northern Ireland) Order 2003

- 23. In Article 29(6) of the Marriage (Northern Ireland) Order 2003, in the
 - 25 definition of “prison” omit “a remand centre and”.

Civil Partnerships Act 2004

- 24. In section 149(5)(a) of the Civil Partnerships Act 2004 omit “a remand centre and”.

Firearms (Northern Ireland) Order 2004

- 30 25. In Article 70(4) of the Firearms (Northern Ireland) Order 2004, in the definition of “appropriate custodial sentence”—
 - (a) omit “and” at the end of sub-paragraph (a);
 - (b) in sub-paragraph (b), after “an offender who” insert “has attained the age of 18 but”;
 - 35 (c) after sub-paragraph (b) add “and

- (c) in the case of an offender who is under the age of 18 at that time, a youth custody and supervision order.”.

Criminal Justice (Northern Ireland) Order 2005

26.—(1) The Criminal Justice (Northern Ireland) Order 2005 is amended as follows.

(2) In Article 16 omit paragraph (1).

(3) In Article 25(2) for sub-paragraph (g) substitute—

“(g) a youth custody and supervision order under Article 38A of the Criminal Justice (Children) (Northern Ireland) Order 1998.”.

Violent Crime Reduction Act 2006

27.—(1) Paragraph 2 of Schedule 2 to the Violent Crime Reduction Act 2006 is amended as follows.

(2) In sub-paragraph (5)(b) after “the offender” insert “has attained the age of 18 but”.

(3) After sub-paragraph (5) insert—

“(5A) On a conviction where—

(a) sub-paragraph (3) applies, and

(b) the offender is aged under 18 at the time of conviction,

the court must impose (with or without a fine) a youth custody and supervision order of not less than 3 years, unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.”.

Counter-Terrorism Act 2008

28. In section 45(3)(a)(v) of the Counter-Terrorism Act 2008 for “juvenile justice centre order under Article 39” substitute “youth custody and supervision order under Article 38A”.

Criminal Justice (Northern Ireland) Order 2008

29.—(1) The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.

(2) In Article 4(1), in the definition of “custodial sentence”—

(a) for paragraph (e) substitute—

“(e) a youth custody and supervision order under Article 38A of that Order.”;

(b) omit paragraph (f).

(3) In each of the following, for “or (5)” substitute “, (5) or (5A)”—

(a) Article 4(2)(d);

(b) Article 5(1)(b)(iii);

- (c) Article 7(3)(b);
- (d) Article 91(2)(b).
- (4) Omit Article 36.
- (5) Omit Article 96.
- 5 (6) In Schedule 5, in paragraph 7 omit sub-paragraphs (8) and (9).

Criminal Justice Act (Northern Ireland) 2013

30. In Schedule 2 to the Criminal Justice Act (Northern Ireland) 2013, in inserted Article 63H(6) for “juvenile justice centre order under Article 39” substitute “youth custody and supervision order under Article 38A”.

10 *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*

31. In paragraph 23(1) of Schedule 3 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, in the definition of “custodial sentence”, in paragraph (e), for “39A” substitute “38A”.

15 *Justice Act (Northern Ireland) 2015*

- 32.—(1) The Justice Act (Northern Ireland) 2015 is amended as follows.
- (2) In section 51(1)(d)—
 - (a) for “Article 41 of” substitute “Schedule 1B to”;
 - (b) for “Article 40(2) or (3)” substitute “Article 38A(5) or 38D(3) or (4)”.
 - 20 (3) In section 76(1), in the definition of “custodial sentence”—
 - (a) for paragraph (e) substitute—
 - “(e) a youth custody and supervision order under Article 38A of that Order;”;
 - (b) omit paragraph (f).
 - 25 (4) In Schedule 1, in paragraph 115 omit sub-paragraph (2).

Mental Capacity Act (Northern Ireland) 2016

- 33.—(1) The Mental Capacity Act (Northern Ireland) 2016 is amended as follows.
- (2) In section 170(2)(b), for “or (5)” substitute “, (5) or (5A)”.
 - 30 (3) In section 200(4)—
 - (a) in paragraph (a) for “a juvenile justice centre order under Article 39” substitute “a youth custody and supervision order under Article 38A”;
 - (b) omit paragraph (b) (but not the “or” at the end).
 - (4) In section 220(4) omit paragraph (b).
 - 35 (5) In section 253(1) omit the definition of “remand centre”.

Houses in Multiple Occupation Act (Northern Ireland) 2016

34. In paragraph 8 of Schedule 1 to the Houses in Multiple Occupation Act (Northern Ireland) 2016 for “, a juvenile justice centre or a remand centre” substitute “or a juvenile justice centre”.

5

Justice Act (Northern Ireland) 2025

35. In the provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989 inserted by section 1 of this Act, in Article 63M(9) for “a juvenile justice centre order under Article 39” substitute “a youth custody and supervision order under Article 38A”.

10

SCHEDULE 5

Section 24.

ORGANISED CRIME GROUPS: AMENDMENTS

Criminal Justice and Public Order Act 1994

15 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) 2026—

- 20 (a) section 22 (participating in the criminal activities of an organised crime group);
- (b) section 23 (directing the criminal activities of an organised crime group).”.

Proceeds of Crime Act 2002

25 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) 2026—

- 30 (a) section 22 (participating in the criminal activities of an organised crime group);
- (b) section 23 (directing the criminal activities of an organised crime group).”.

(b) section 23 (directing the criminal activities of an organised crime group).”.

SCHEDULE 6

Section 26.

5 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

10 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

15 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.

20 *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

25 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

30 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

5 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.

10 (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

15 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

20 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.

25 (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

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

SCHEDULE 7

Section 43.

PUBLIC AUTHORITIES FOR THE PURPOSES OF SECTION 43

Executive authorities

- 5 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.
- 10 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
15 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.
- 20 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.
- 25 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.
- 30 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.

5

SCHEDULE 8

Section 49.

USE OF LIVE LINKS: AMENDMENTS AND TRANSITIONAL PROVISIONS

PART 1

CONSEQUENTIAL AMENDMENTS AND REPEALS

10

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—

15

“(1B) Subsection (1) does not apply to anything done in accordance with a direction under Chapter 2 of Part 5 of the Justice Act (Northern Ireland) 2026 (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)—

20

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

(b) after subsection (3) insert—

25

“(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 38 of the Justice Act (Northern Ireland) 2026 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)—

30

(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 5 of the Justice Act (Northern Ireland) 2026 (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—

5 “(4B) This section does not apply to anything done in accordance with a direction under Chapter 2 of Part 5 of the Justice Act (Northern Ireland) 2026 (live links, transmissions and broadcasts of court and tribunal proceedings).”.

Police and Criminal Evidence (Northern Ireland) Order 1989

10 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

15 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)—

- 20 (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).

25 *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

30 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).

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

5 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;

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

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

15 TRANSITIONAL PROVISION

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

20 (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;

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

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

30 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.

16. Until the coming into force of Parts 2 and 10 of the Mental Capacity Act (Northern Ireland) 2016, the references in section 41(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.

SCHEDULE 9

Section 50.

5 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—

10 “(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—

- 15 (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—

- 20 (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—

- 25 (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—

- 30 (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—

- 35 (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);

5 (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)—

10 (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;

15 (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—

25 (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.

30 (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;

35 (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

40 (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—

- 5 (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,

10 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

15 *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).

20 (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.

25 (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).

30 (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.

35 (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

5 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
- 10 (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—

- 15 (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.

20 (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).”.

25 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—

- 30 (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”.

SCHEDULE 10

Section 53.

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

5 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

10 (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.

15 (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—

20 (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);

25 (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.

30 (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).

35 (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

5 (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—

10 (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;

15 (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—

20 (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).

25 (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

30 (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—

35 (a) any airport police;

(b) any airport police support staff;

(c) any harbour police;

(d) any harbour police support staff.

40 (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—

5 (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;

10 (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.

15 (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.

20 (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).

25 (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.

30 (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;

35 (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—

40 (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.

5 **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
- 10 (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;
- 15 (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;
- 20 (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
 - 25 (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;
- 30 (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;
- 35 (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
 - 40 (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

5 (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—

10 (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—

15 (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);

25 “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;

35 (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).

40

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”).

5 (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.

10 **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)).

15 (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

20 (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—

25 (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.

30 (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—

35 (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;
- 5 (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

10 (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—

- 15 (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.

20 (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
- 25 (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.

30 (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
- 35 (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—

- 40 (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.

5 **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—

- 10 (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
- 15 (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
 - 20 (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)—
 - 25 (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—
 - 30 (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).
- 35 (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).

5 **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.

10 (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.

15 (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,

20 (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—

25 (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

30 (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

35 (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).

5 (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—

10 (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;

15 “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

20 (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—

- 25 (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.

30 (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”

35 (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;

5 (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.

10 (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

15 (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—

20 “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;

25 “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);

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

“harbour police” means—

35 (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;

40 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);

5 “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;

10 “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;

15 “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);

20 “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.”.

SCHEDULE 11

Section 67.

MATTERS TO BE INCLUDED IN CRIMINAL RECORD CERTIFICATES

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

25 “SCHEDULE 8ZA

Section 113A.

MATTERS TO BE INCLUDED IN A CRIMINAL RECORD CERTIFICATE: NORTHERN IRELAND

PART 1

30 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;
5 going armed so as to terrify the public;
indecent – outraging public decency;
infanticide;
kidnapping;
manslaughter;
10 murder;
plagium (theft of a child below the age of puberty);
publishing obscene libel;
publishing or exhibiting or selling indecent or obscene things;
rape;
15 riot or incipient riot;
unlawful assembly.

Scotland

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

25 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—
30 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);
35 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).

5 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 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).

15 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).

20 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);

25 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);

30 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).

35 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);
5 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);
10 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
15 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
20 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

25 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).

30 *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
35 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—

- 5 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);
10 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).

15 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);
20 Article 6 (residential care home: failure to display certificate of registration);
 Article 7 (residential care home: failure to comply with a condition of registration);
25 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);
30 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).
35

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

- 40 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);

5 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).

10 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);

15 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);

20 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).

25 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).

30 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);

35 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—

- 5 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—

- 10 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—

- 15 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—

- 20 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—

- 25 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

30 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—

- 35 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);

5 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—

10 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—

15 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);

20 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);

25 Article 122 (protection of female patients);

Article 123 (protection of patients);

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

Article 125 (obstruction).

30 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);

35 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—

- 5 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);
- 10 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);
- 15 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—

- 20 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);
- 25 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);
- 30 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);
- 35 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);
- 40 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);
5 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);
10 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);
15 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).
20
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).
- 25 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).
- 30 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).
- 35 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);

5 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);

10 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).

15

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).

20

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);

25

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);

30

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.).

35

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—

- 5 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).

10 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—

- 15 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);
20 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);
25 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

30 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
35 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).

5

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);

10

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—

15

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);

20

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—

25

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—

30

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);

35

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.

5 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);
- 10 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);
- 15 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);
- 20 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—

- 25 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).

30 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);
- 35 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);
- 5 section 14 (indecent assault on a woman);
- section 17 (abduction of woman by force of for the sake of her property);
- section 19 (abduction of unmarried girl under 18 from parent or guardian);
- 10 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);
- 15 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);
- 20 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).
- 25 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);
- 30 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—
- 35 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);
5 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
10 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).
- 15 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).
- 20 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).
- 25 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).
- 30 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);
35 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).

5 100. 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);

10 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—

15 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);

20 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);

25 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);

30 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);

35 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).

5 105. 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);

10 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);

15 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);

20 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);

25 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);

30 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);

35 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);
- 5 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);
- 10 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);
- 15 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);
- 20 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);
- 25 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);
- 30 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);
- 35 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);
- 40 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);
5 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);
10 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);
15 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).
- 20 106. 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);
25 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);
30 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
35 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.);

5 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).

10 107. 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).

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

20 111. 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.);

25 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).

30 115. 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);

35 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);
- 5 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

10 117. 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).

15 119. 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).

20 120. 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);
- 25 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);
- 30 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);
- 35 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—

- 5 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);
10 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
15 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);
20 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);
25 section 10 (misuse of devices or material and misuse and damage of facilities);
 section 11 (terrorist threats relating to devices or materials or facilities).

30 123. 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);
35 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).

5 127. 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);

10 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).

15 129. 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);

20 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).

25 130. 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);

30 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);

35 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);

5 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).

10 134. 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).

15 135. 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);

20 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—

25 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);

30 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).

35 139. 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);

5 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).

10 141. 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—

15 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—

20 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).

25 145. 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);

30 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.);

35 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);
5 Article 64 (possession of firearm or ammunition in suspicious circumstances);
Article 67 (conversion of weapons).

10 146. 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).

15 149. 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

20 150. 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

25 152.—(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.

30 (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

35 153. 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

5 (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—

10 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.”.

Justice Bill

[AS AMENDED AT CONSIDERATION STAGE]

A Bill to amend the law about the retention and destruction of fingerprints and DNA profiles under Part 6 of the Police and Criminal Evidence (Northern Ireland) Order 1989; to amend the law about the release of children on bail and about their detention; to make provision about involvement in organised crime groups; to permit the use of live links for the exercise of certain police functions; to repeal certain offences relating to public order; to amend the law to make provision about collaboration between bodies with functions relating to policing and law enforcement; to make other provision in connection with the administration of justice; and for connected purposes.

Introduced by: Mrs Naomi Long, Minister of Justice

On: 17th September 2024

As amended at Consideration Stage: 2nd, 8th-9th, 15th-16th, 22nd-23rd & 30th June 2026

Bill Type: Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
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For more information please contact:

Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

Telephone: 028 90 521137

Textphone: 028 90 521209

E-mail: info@niassembly.gov.uk