



Northern Ireland
Assembly

Justice Bill

Notice of Amendments tabled on
19 May 2026 for Consideration Stage

Clause 1, Page 3, Line 15

Leave out '14' and insert '28'

Minister of Justice

Clause 1, Page 3

Leave out line 21

Minister of Justice

Clause 1, Page 3, Line 22

After 'reference' insert 'in Articles 63F to 63U'

Minister of Justice

Clause 1, Page 3

Leave out lines 27 to 32

Minister of Justice

Clause 1, Page 4, Line 21

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

Minister of Justice

Clause 1, Page 4, Line 23

At end insert ‘and’

Minister of Justice

Clause 1, Page 4, Line 24

Leave out from ‘and’ to end of line 27 and insert—

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

Minister of Justice

Clause 1, Page 4, Line 32

Leave out ‘(4)’ and insert ‘(4A)’

Minister of Justice

Clause 1, Page 4, Line 38

At end insert—

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

Minister of Justice

Clause 1, Page 7, Line 12

Leave out ‘In this Article,’ and insert—

‘ For the purposes of this Article—

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

(b)’

Minister of Justice

Clause 1, Page 7, Line 29

Leave out ‘community-based’

Minister of Justice

Clause 1, Page 7, Line 29

Leave out ‘scheme’

Minister of Justice

Clause 1, Page 8, Line 7

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

‘ For the purposes of this Article—

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

(b)’

Minister of Justice

Clause 1, Page 8, Line 36

At end insert—

‘Person completing restorative justice process

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

(2) If—

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

(b) the offence is a qualifying offence,

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

(3) If—

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

(b) the offence is a recordable offence other than a qualifying offence,

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

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

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

- (a) P has completed a plan, or any other requirements for successful completion, established with respect to that offence by a person who is an accredited provider of restorative justice services under section 26A of the Justice Act (Northern Ireland) 2025, and
- (b) the Director of Public Prosecutions, having been informed by the Chief Constable of that completion, has determined not to institute proceedings against P in respect of the offence or, as the case may be, not to continue proceedings already instituted against P in respect of the offence.’

Minister of Justice

Clause 1, Page 9, Line 4

Leave out ‘or community-based restorative justice scheme’

Minister of Justice

Clause 1, Page 9, Line 6

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

Minister of Justice

Clause 1, Page 9

Leave out lines 22 to 33

Minister of Justice

Clause 1, Page 16, Line 31

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

Minister of Justice

Clause 3, Page 18, Line 18

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

Minister of Justice

New Clause

After clause 23 insert—

‘Powers to photograph certain persons at a police station

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

Minister of Justice

New Clause

After clause 23 insert—

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

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

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

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

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

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

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

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

Minister of Justice

New Clause

After clause 26 insert—

‘Accredited providers of restorative justice services

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

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

(b) maintain a register of persons who are accredited in accordance with those requirements.

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

(3) The requirements may include—

(a) in the case where an accredited person is a body, a requirement to be a registered charity;

(b) in the case where an accredited person employs other persons, requirements to be met by some or all of the person’s employees or other staff;

(c) requirements that a person is required to comply with during the period that the person is accredited;

- (d) additional requirements which must be met by persons providing restorative justice services in particular kinds of case;
 - (e) requirements to establish procedures for dealing with complaints made to the person about the provision of restorative justice services;
 - (f) requirements as to the submission of reports about work undertaken, and as to the provision of information and documents demonstrating that other requirements are met.
- (4) The Department must add a person to the register if—
- (a) the person applies to be added, and
 - (b) the Department determines that the person meets the requirements for accreditation.
- (5) The Chief Inspector may carry out inspections of accredited persons; and—
- (a) the Chief Inspector must from time to time make a report to the Department on inspections carried out by virtue of this subsection, and
 - (b) section 49(1A) to (1L) of the Justice (Northern Ireland) Act 2002 (laying of Chief Inspector’s reports before the Assembly) apply in relation to a report under paragraph (a) as they apply in relation to a report under subsection (1) of that section.
- (6) The Department may remove a person from the register if the Department determines that the person no longer meets the requirements for registration.
- (7) The Department may make other provision about registration, including—
- (a) provision that a person’s accreditation expires after a specified period of time (unless the person applies for it to be renewed);
 - (b) provision about applications for re-accreditation by persons who have been removed from the register under subsection (6) (including conditions which must be met before such an application may be made);
 - (c) provision for appeals against decisions of the Department.
- (8) The Department must make arrangements for the publication of the register and of the requirements and other provision determined under this section.
- (9) Section 43 of the Justice and Security (Northern Ireland) Act 2007 is repealed.’

Minister of Justice

Clause 31, Page 42, Line 36

Leave out ‘repeal, revoke or otherwise modify’

Minister of Justice

Clause 31, Page 42, Line 38

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

Minister of Justice

Clause 31, Page 43, Line 8

At end insert—

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

Minister of Justice

Clause 33, Page 43, Line 17

At end insert—

‘(c) the following paragraphs of Schedule 2 (and section 2 so far as it relates to those paragraphs)—

(i) paragraph 4(3) so far as it inserts Article 53(3C) of the Police and Criminal Evidence (Northern Ireland) Order 1989;

(ii) paragraphs 7(a), 7A, 8(a) and 8A.’

Minister of Justice

Schedule 1, Page 45, Line 7

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

Minister of Justice

Schedule 2, Page 45, Line 20

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

Minister of Justice

Schedule 2, Page 45, Line 21

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

Minister of Justice

Schedule 2, Page 46, Line 21

Leave out ‘a person being informed that the person will be reported’ and insert ‘a complaint being laid against the person’

Minister of Justice

Schedule 2, Page 46, Line 22

At end insert—

‘(3C) In this Part, references to a complaint being laid against a person for an offence are references to a complaint being made, as mentioned in Article 20 of the Magistrates’ Courts (Northern Ireland) Order 1981, that the person has (or is suspected of having) committed the offence, without the person having been charged with that offence.’

Minister of Justice

Schedule 2, Page 46

Leave out lines 31 and 32

Minister of Justice

Schedule 2, Page 47, Line 2

At end insert—

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

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

Minister of Justice

Schedule 2, Page 47, Line 9

After ‘(fingerprinting)’ insert ‘—

- (a) in paragraph (4)(a), for “or informed that he will be reported” substitute “or a complaint has been laid against him”;
- (b) in paragraph (5B) (as inserted by section 8(2) of the Crime and Security Act 2010), for “or informed that he will be reported” substitute “or a complaint has been laid against him”;
- (c)’

Minister of Justice

Schedule 2, Page 47, Line 10

At end insert—

‘(b) in paragraph (6) (as substituted by section 8(3) of the Crime and Security Act 2010), for the words from “or” at the end of sub-paragraph (a) to the end of the paragraph substitute “and

(b) either of the conditions mentioned in paragraph (6ZA) is met.”;

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

Minister of Justice

Schedule 2, Page 47, Line 10

At end insert—

‘7A. In Article 61A (impressions of footwear), in paragraph (3)(a), for “or informed that he will be reported” substitute “or a complaint has been laid against him”.’

Minister of Justice

Schedule 2, Page 47, Line 12

Leave out paragraph (a) and insert—

‘(a) in paragraph (3A) (as substituted by Article 11(2) of the Police (Amendment) (Northern Ireland) Order 1995), in sub-paragraph (a), for “or informed that he will be reported” substitute “or a complaint has been laid against him”;

(aa) in paragraph (3A) (as substituted by section 8(6) of the Crime and Security Act 2010)—

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

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

Minister of Justice

Schedule 2, Page 47, Line 17

At end insert—

‘8A. In Article 63A (fingerprints and samples: supplementary provisions)—

(a) in paragraph (1), for “or has been informed that he will be reported” substitute “or a complaint has been laid against him”;

(b) in paragraph (4)(a), for “or informed that he will be reported” substitute “or a complaint has been laid against him”;

(c) in paragraph (5)(a), after “date of the charge” insert “or the date on which the complaint is laid”;

(d) in paragraph (8)(a), for “as to which he was informed that he would be reported” substitute “in relation to which the complaint was laid”.’

Minister of Justice

Schedule 2, Page 47, Line 17

At end insert—

- ‘(c) in paragraph (3B) (as substituted by section 8(7) of the Crime and Security Act 2010), for the words from “or” at the end of sub-paragraph (a) to the end of the paragraph substitute “and
- (b) either of the conditions mentioned in paragraph (3BA) is met.”;
- (d) in paragraph (3BA)(a) (as substituted by that subsection), omit “or cautioned”.’

Minister of Justice

Schedule 2, Page 48, Line 1

After ‘Article’ insert ‘53B(1B),’

Minister of Justice

Schedule 2, Page 48, Line 4

Leave out sub-paragraph (3)

Minister of Justice

Schedule 2, Page 48, Line 4

At end insert—

‘11A.—(1) Schedule 2A (inserted by section 12(2) of the Crime and Security Act 2010) is amended as follows.

(2) In paragraph 2 (fingerprinting: persons charged etc)—

- (a) in sub-paragraph (2)(a), for “or informed that he would be reported” substitute “or the complaint was laid”;
- (b) in sub-paragraph (3), for “or informed that he would be reported” substitute “or in relation to which the complaint was laid”.

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

- (a) in sub-paragraph (2)(a), omit “or cautioned”;
- (b) in sub-paragraph (5), omit “or caution”.

(4) In paragraph 10 (non-intimate samples: persons charged etc)—

- (a) in sub-paragraph (2), for “or informed that he would be reported” substitute “or the complaint was laid”;
- (b) in sub-paragraph (4), for “or informed that he would be reported” substitute “or in relation to which the complaint was laid”.

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

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

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

Minister of Justice

New Schedule

After Schedule 4 insert—

‘SCHEDULE 5

Section 23A.

POWER TO PHOTOGRAPH CERTAIN PERSONS AT A POLICE STATION

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

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

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

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

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

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

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

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

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

- (a) convicted of a recordable offence, and
- (b) either of the conditions in paragraph (1G) is met.

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

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

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

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

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

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

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

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

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

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

- (a) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom), or
- (b) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences.

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

- (a) before the photograph is taken, an officer must inform the person of—
 - (i) the reason for taking the photograph;
 - (ii) the power by virtue of which it is taken; and
 - (iii) in a case where the authorisation of an officer is required under paragraph (1K) for the exercise of the power, the fact that the authorisation has been given; and
- (b) those matters shall be recorded as soon as practicable after the photograph is taken.

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

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

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

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

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

“PART 3A

PHOTOGRAPHS

Persons arrested and released

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

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

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

Persons charged etc

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

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

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

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

Persons convicted of an offence etc in Northern Ireland

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

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

- (a) the day on which the person was convicted, or
- (b) if later, the day on which this Part comes into force.

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

- (a) the day on which an appropriate officer was informed that the photograph in question was unavailable or inadequate, or
- (b) if later, the day on which this Part comes into force.

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

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

Persons convicted of an offence etc. outside Northern Ireland

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

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

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

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

(4) In paragraph 15—

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

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

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

Minister of Justice

New Clause

After clause 23 insert—

‘Police discipline

Disciplinary proceedings concerning former police officers

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

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

(a) after subsection (3) insert—

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

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

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

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

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

(3C) Condition B is that—

(a) the person had ceased to be a member of the Police Service of Northern Ireland before the allegation first came to the attention of a person mentioned in subsection (3A)(a), and

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

(3D) Condition C is that—

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

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

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

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

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

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

(b) in subsection (4)—

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

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

(a) after subsection (3) insert—

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

- (a) an allegation relating to the conduct, efficiency or effectiveness of the person comes to the attention of the Chief Constable, the Board or the Ombudsman,
- (b) at the time of the alleged misconduct, inefficiency or ineffectiveness the person was a reserve constable, and
- (c) condition A, B or C is satisfied in relation to the person.

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

(3C) Condition B is that—

- (a) the person had ceased to be a reserve constable before the allegation first came to the attention of a person mentioned in subsection (3A)(a), and

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

(3D) Condition C is that—

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

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

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

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

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

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

(b) in subsection (4)—

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

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

- (a) in subsection (5), after “section 25(3)” insert “or (3A)”;
- (b) in subsection (6A)—
 - (i) after “section 25(3)” (in the first place) insert “, (3A)”;
 - (ii) after “section 25(3)” (in the second place) insert “or (3A)”;
- (c) in subsection (9)(c)—
 - (i) after “section 25(3)” insert “or (3A)”;
 - (ii) after “or 26(3)” insert “or (3A)”.

(5) In section 32 (Police Association for Northern Ireland), in subsection (2)—

- (a) after “section 25(3)” insert “or (3A),”;
- (b) after “or 26(3)” insert “or (3A)”.

(6) In section 59 (steps to be taken after investigation – disciplinary proceedings), in subsection (8)—

(a) after “section 25(3)” insert “or (3A),”;

(b) after “or 26(3)” insert “or (3A)”.

(7) In section 65 (guidance concerning discipline, complaints, etc), in subsection (3)—

(a) after “section 25(3)” insert “or (3A),”;

(b) after “or 26(3)” insert “or (3A)”.

(8) Regulations made in pursuance of section 25(3A) or 26(3A) of the Police (Northern Ireland) Act 1998 (as inserted by subsections (2) and (3))—

(a) may not make provision in relation to a person who ceases to be a police officer before the coming into operation of subsections (2) and (3);

(b) may make provision in relation to a person who ceases to be a police officer after the coming into operation of this section even though the alleged misconduct, inefficiency or ineffectiveness occurred at a time before the coming into operation of subsections (2) and (3), but only if the condition in subsection (9) is satisfied.

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

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

Minister of Justice

New Clause

After clause 23 insert—

‘Police barred list and police advisory list

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

Minister of Justice

New Schedule

After Schedule 4 insert—

‘SCHEDULE 5

Section 23B.

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

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

“PART 7A

POLICE BARRED LIST AND POLICE ADVISORY LIST

Police barred list

65A Duty to maintain barred list

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

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

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

65B Inclusion of certain police officers and police support staff

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

(a) the person ceases to be a member of the police force by virtue of being dismissed, or required to resign, at proceedings conducted under regulations made pursuant to section 25(3) or 26(3);

(b) the person is a former member of the police force and there is a finding in relation to the person in disciplinary proceedings that the person would have been dismissed, or required to resign, if the person had still been a member of the police force;

(c) the person ceases to be a member of the police support staff by virtue of being dismissed and the reason, or one of the reasons, for the dismissal relates to conduct, efficiency or effectiveness.

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

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

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

65C Inclusion of senior officers and senior police support staff

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (d) in relation to a person who was a member of any harbour police support staff, the harbour authority who employed the person.
- (5) An airport operator or harbour authority may delegate the function of making a report under this section or any of sections 65G, 65L and 65P.
- (6) A person is dismissed for the purposes of subsection (2) if the circumstances in which the person ceases to be a member of a body referred to in subsection (2) amount to dismissal within the meaning of Part 10 of the Employment Rights (Northern Ireland) Order 1996 (see Article 127 of that Order).

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

- (1) The Chief Constable must include a person in the barred list where the person is reported to the Chief Constable under subsection (2).
- (2) The relevant employer must report a person to the Chief Constable where—
- (a) the person ceases to be a person designated under section 31 of the Police (Northern Ireland) Act 2003 by virtue of being dismissed and the reason, or one of the reasons, for the dismissal relates to conduct, efficiency or effectiveness.
 - (b) the person ceases to be a member of any of the following by virtue of being dismissed and the reason, or one of the reasons, for the dismissal relates to conduct, efficiency or effectiveness—
 - (i) the staff of the Board;
 - (ii) the staff of the Ombudsman;
 - (c) the person ceases to be an employee of the civil service by virtue of being dismissed and the reason, or one of the reasons, for the dismissal relates to conduct, efficiency or effectiveness during a period when the person was engaged under—
 - (i) paragraph 3(2) of Schedule 3 to provide administrative, secretarial or other assistance to the Ombudsman;
 - (ii) section 4(4) of the Police (Northern Ireland) Act 2000 to provide assistance to the police;
 - (iii) paragraph 13(2) of Schedule 1 to that Act to provide administrative, secretarial or other assistance to the Board.
- (3) A report under subsection (2) must—
- (a) be made within such period as is specified in regulations made by the Department of Justice;
 - (b) include such information as is so specified.
- (4) In subsection (2), “the relevant employer” means—
- (a) in relation to a person who was designated under section 31 of the Police (Northern Ireland) Act 2003, the person by whom the designated person was employed;
 - (b) in relation to a person who was a member of staff of the Board, the Board;
 - (c) in relation to a person who was a member of staff of the Ombudsman, the Ombudsman;
 - (d) in relation to a person who was an employee of the civil service, the government department, officer or body under or for whose purpose the person was employed.
- (5) A person is dismissed for the purposes of any of subsection (2)(a) to (c) if the circumstances in which the person ceases to hold a position referred to in the paragraph amount to dismissal within the meaning of—

- (a) in the case of a person who ceases to be an employee of the civil service of the United Kingdom, Part 10 of the Employment Rights Act 1996 (see section 95 of that Act), or
- (b) in any other case, Part 10 of the Employment Rights (Northern Ireland) Order 1996 (see Article 127 of that Order).

65F Effect of inclusion in barred list

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

65G Removal from barred list

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

- (a) in the case of a person falling within section 65C(2)(a), the decision to dismiss the person, or to require the person to resign, is set aside at proceedings conducted under regulations made pursuant to section 25;
 - (b) in the case of a person falling within section 65C(2)(b), the finding that the person would have been dismissed, or required to resign, is set aside at proceedings conducted under regulations made pursuant to section 25;
 - (c) in the case of a person falling within section 65C(2), the dismissal is found to have been an unfair dismissal—
 - (i) following a complaint under Article 145 of the Employment Rights (Northern Ireland) Order 1996, and
 - (ii) whether by an employment tribunal or on appeal.
- (4) The relevant transport authority must make a further report to the Chief Constable in relation to a person included in the barred list by virtue of section 65D(1) where the dismissal is found to have been an unfair dismissal—
- (a) following a complaint under Article 145 of the Employment Rights (Northern Ireland) Order 1996, and
 - (b) whether by an employment tribunal or on appeal.
- (5) The relevant employer must make a further report to the Chief Constable in relation to a person included in the barred list by virtue of section 65E(1) where the dismissal is found to have been an unfair dismissal—
- (a) following a complaint under Article 145 of the Employment Rights (Northern Ireland) Order 1996 or section 111 of the Employment Rights Act 1996, and
 - (b) whether by an employment tribunal or on appeal.
- (6) A report under subsection (3), (4) or (5) must—
- (a) be made within such period as is specified in regulations made by the Department of Justice;
 - (b) include such information as is so specified.
- (7) The Department of Justice may by regulations make provision in connection with the removal of a person from the barred list otherwise than under subsection (1).
- (8) Regulations under subsection (7) may confer functions on the Chief Constable including functions which involve the exercise of a discretion.
- (9) In this section—
- “the relevant employer” has the meaning given by section 65E(4).
 - “the relevant transport authority” has the meaning given by section 65D(4);

65H Power to disclose information in barred list

- (1) The Chief Constable may, if the Chief Constable considers it to be in the public interest to do so, disclose to a person listed in subsection (2) information included in the barred list which relates to a particular person who is included in that list.
- (2) The persons referred to in subsection (1) are—
- (a) the Board;
 - (b) the Ombudsman;
 - (c) a harbour authority with responsibility for maintaining harbour police;

- (d) an airport operator with control over airport police;
 - (e) a person of a description specified in regulations made by the Department of Justice.
- (3) A person may be specified in regulations under subsection (2)(e) only if the person has relevant public functions (as to which, see section 65R).

Police advisory list

65I Duty to maintain advisory list

- (1) The Chief Constable must maintain a list of persons to be known as the police advisory list for Northern Ireland (“the advisory list”).
- (2) The advisory list must include such information in relation to a person included in the list as is specified in regulations made by the Department of Justice.
- (3) Regulations under this section may confer a discretion on the Chief Constable.

65J Inclusion of certain police officers and police support staff

- (1) The Chief Constable must include a person in the advisory list if the person falls within subsection (2) or (4) (but this is subject to subsection (5)).
- (2) A person falls within this subsection if the person ceases to be a member of the police force or the police support staff by resigning or retiring—
- (a) after a relevant allegation about the person came to the attention of the Chief Constable, but
 - (b) before disciplinary proceedings in respect of the allegation are brought or, if brought, before they are concluded.
- (3) But a person does not fall within subsection (2) if, before the person resigned or retired, it was determined that no disciplinary proceedings would be brought against the person in respect of the allegation.
- (4) A person falls within this subsection if—
- (a) the person ceases to be a member of the police force by resigning or retiring, and
 - (b) a relevant allegation about the person comes to the attention of the Chief Constable after the person resigned or retired.
- (5) Subsection (1) does not apply where the person ceases to be a senior officer of the Police Service of Northern Ireland, or a senior employee of the Board (as to which, see section 65K).
- (6) For the purposes of this section an allegation about a person is a relevant allegation if—
- (a) it relates to the conduct, efficiency or effectiveness of the person, and
 - (b) it is of a type that, if proved and if the person had not resigned or retired, might have resulted in the person being dismissed, or required to resign, as described in section 65B(1)(a) or (c).
- (7) In this section, “disciplinary proceedings” means—
- (a) in relation to a person who has ceased to be a member of the police force by resigning or retiring, proceedings conducted under regulations made in pursuance of section 25 or 26;
 - (b) in relation to a person who has ceased to be a member of the police support staff by resigning or retiring, any proceedings that are identified as disciplinary proceedings in relation to such a person by regulations made by the Department of Justice.

65K Inclusion of senior officers and senior police support staff

(1) The Chief Constable must include a person in the advisory list if the person is reported to the Chief Constable under subsection (2) or (4).

(2) The Board must report a person to the Chief Constable if the person ceases to be a senior officer of the Police Service of Northern Ireland or a senior employee of the Board by resigning or retiring—

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

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

(4) The Board must report a person to the Chief Constable if—

- (a) the person ceases to be a senior officer of the Police Service of Northern Ireland by resigning or retiring, and
- (b) a relevant allegation about the person comes to the attention of the Board after the person resigned or retired.

(5) A report under subsection (2) or (4)—

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

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

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

(7) In this section, “disciplinary proceedings” means—

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

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

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

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

- (a) the person, by resigning or retiring, ceases to be a member of—
 - (i) any airport police;
 - (ii) any airport police support staff;
 - (iii) any harbour police;
 - (iv) any harbour police support staff; and

- (b) the condition in subsection (3) is met in relation to the person.
- (3) The condition is that the resignation or retirement took place—
 - (a) after a relevant allegation about the person came to the attention of the relevant transport authority, but
 - (b) before disciplinary proceedings in respect of the allegation were brought or, if brought, before they concluded.
- (4) But the condition in subsection (3) is not met if, before the person resigned or retired, it was determined that no disciplinary proceedings would be brought against the person in respect of the allegation.
- (5) A report under subsection (2)—
 - (a) must be made within such period as is specified in regulations made by the Department of Justice;
 - (b) must include such information as is so specified.
- (6) For the purposes of subsection (3)(a), an allegation about a person is a relevant allegation if—
 - (a) it relates to the conduct, efficiency or effectiveness of the person, and
 - (b) it is of a type that, if proved and if the person had not resigned or retired, might have resulted in the person being dismissed as described in any of section 65D(2).
- (7) In this section—
 - “disciplinary proceedings” means any proceedings that are identified as such by regulations made by the Department of Justice;
 - “relevant transport authority” has the meaning given by section 65D(4).

65M Inclusion of employees, seconded staff and contracted staff

- (1) The Chief Constable must include a person in the advisory list if the person is reported to the Chief Constable under subsection (2).
- (2) The relevant employer must report a person to the Chief Constable if—
 - (a) the person, by resigning or retiring, ceases to be—
 - (i) a person designated under section 31 of the Police (Northern Ireland) Act 2003;
 - (ii) a member of the staff of the Board;
 - (iii) a member of staff of the Ombudsman;
 - (iv) an employee of the civil service; and
 - (b) the condition in subsection (3) is met in relation to the person.
- (3) The condition is that the resignation or retirement took place—
 - (a) after a relevant allegation about the person came to the attention of the relevant employer, but
 - (b) before disciplinary proceedings in respect of the allegation were brought or, if brought, before they concluded.
- (4) But the condition in subsection (3) is not met if, before the person resigned or retired, it was determined that no disciplinary proceedings would be brought against the person in respect of the allegation.
- (5) A report under subsection (2)—

- (a) must be made within such period as is specified in regulations made by the Department of Justice;
- (b) must include such information as is so specified.
- (6) For the purposes of subsection (3)(a), an allegation about a person is a relevant allegation if—
 - (a) it relates to the conduct, efficiency or effectiveness of the person, and
 - (b) it is of a type that, if proved and if the person had not resigned or retired, might have resulted in the person being dismissed as described in any of section 65E(2).
- (7) Subsection (6) applies in respect of a person who ceases to be an employee of the civil service as if the reference to the conduct, efficiency or effectiveness of the person were a reference to the conduct, efficiency or effectiveness of the person during a period when the person was engaged under—
 - (a) paragraph 3(2) of Schedule 3 to provide administrative, secretarial or other assistance to the Ombudsman;
 - (b) section 4(4) of the Police (Northern Ireland) Act 2000 to provide assistance to the police;
 - (c) paragraph 13(2) of Schedule 1 to that Act to provide administrative, secretarial or other assistance to the Board.
- (8) In this section—
 - “disciplinary proceedings” means any proceedings that are identified as such by regulations made by the Department of Justice;
 - “relevant employer” has the meaning given by section 65E(4).

65N Effect of inclusion in advisory list

- (1) Before employing or appointing any person, a law enforcement employer must check the advisory list to ascertain whether the proposed employee or proposed appointee is included in the list.
- (2) For the purposes of this section a person who is to be seconded to work for a law enforcement employer, and who will not be employed by that person, is to be regarded as being appointed by that person.
- (3) Before designating a person under section 30, 30A or 31 of the Police (Northern Ireland) Act 2003, the Chief Constable must check the advisory list to ascertain whether the person is included in the list.
- (4) For the meaning of “law enforcement employer”, see section 65R.

65P Removal from advisory list

- (1) The Chief Constable must remove a person from the advisory list if—
 - (a) the person was included in the list by virtue of section 65J(1) and subsection (2) applies in respect of the person,
 - (b) the Chief Constable receives a further report in relation to the person under subsection (3), or
 - (c) the person is included in the barred list.
- (2) This subsection applies in respect of a person if—
 - (a) it is determined that no disciplinary proceedings will be brought against the person,

- (b) the disciplinary proceedings brought against the person are withdrawn, or
 - (c) the disciplinary proceedings brought against the person are concluded without there being a finding that the person would have been dismissed or required to resign.
- (3) The relevant authority must make a further report to the Chief Constable in relation to a person where—
- (a) the relevant authority has reported a person to the Chief Constable under section 65K(2) or (4), 65L(2), or 65M(2), and
 - (b) subsection (2) applies in respect of the person.
- (4) A report under subsection (3) must—
- (a) be made within such period as is specified in regulations made by the Department of Justice;
 - (b) include such information as is so specified.
- (5) The Department of Justice may by regulations make provision in connection with the removal of a person from the advisory list otherwise than under subsection (1).
- (6) Regulations under subsection (5) may confer functions on the Chief Constable including functions which involve the exercise of a discretion.
- (7) In this section—
- “disciplinary proceedings” means—
 - (a) in relation to a person who has ceased to be a member of the police force by resigning or retiring, proceedings conducted under regulations made in pursuance of section 25 or 26;
 - (b) in any other case, any proceedings that are identified as such by regulations made by the Department of Justice;
 - “the relevant authority” means the Board, the relevant transport authority or the relevant employer;
 - “the relevant employer” has the same meaning as in section 65E(4);
 - “the relevant transport authority” has the meaning given by section 65D(4).

65Q Power to disclose information in advisory list

- (1) The Chief Constable may, if the Chief Constable considers it to be in the public interest to do so, disclose to a person listed in subsection (2) information included in the advisory list which relates to a particular person who is included in that list.
- (2) The persons referred to in subsection (1) are—
- (a) the Board;
 - (b) the Ombudsman;
 - (c) a harbour authority with responsibility for maintaining harbour police;
 - (d) an airport operator with control over airport police;
 - (e) a person of a description specified in regulations made by the Department of Justice.
- (3) A person may be specified in regulations under subsection (2)(e) only if the person has relevant public functions (as to which, see section 65R).

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

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

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

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

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

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

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

65S Interpretation

In this Part—

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

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

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

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

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

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

“harbour police” means—

- (a) any body of special constables appointed in Northern Ireland under section 79 of the Harbours, Docks, and Piers Clauses Act 1847, or
- (b) any body of constables appointed under an order made under section 1 of the Harbours Act (Northern Ireland) 1970;

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

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

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

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

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

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

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

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

Minister of Justice

Long Title

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

Minister of Justice

New Clause

After clause 19 insert—

‘PART 2A

ORGANISED CRIME GROUPS

Organised crime groups: definitions

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

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

(a) has as its purpose, or as one of its purposes, the carrying on of criminal activities with a view to obtaining (directly or indirectly) any gain or benefit, and

(b) consists of three or more persons who act, or agree to act, together to further that purpose.

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

(a) the act is part of criminal activities of an organised crime group, or

- (b) the act will facilitate, or is likely to facilitate, an organised crime group to carry on criminal activities.
- (4) Criminal activities are activities falling within subsection (5) or (6).
- (5) Activities fall within this subsection if—
- (a) they are carried on in Northern Ireland, and
 - (b) they constitute an offence in Northern Ireland punishable on conviction on indictment with imprisonment for a term of 4 years or more.
- (6) Activities fall within this subsection if—
- (a) they are carried on in a country or territory other than Northern Ireland,
 - (b) they constitute an offence under the law in force of the country or territory where they are carried on, and
 - (c) they would constitute an offence in Northern Ireland of the kind mentioned in subsection (5)(b) if the activities were carried on in Northern Ireland.
- (7) The Department of Justice may by regulations amend the definition of criminal activities.
- (8) Regulations under subsection (7) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’

Minister of Justice

New Clause

After clause 19 insert—

‘Participating in the criminal activities of an organised crime group

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

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

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

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

Minister of Justice

New Clause

After clause 19 insert—

‘Directing the criminal activities of an organised crime group

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

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

- (a) participates in the criminal activities of an organised crime group, and
 - (b) does so by directing criminal activities of the group, at any level.
- (3) Directing criminal activities of an organised crime group includes—
- (a) instructing one or more persons to participate in the criminal activities of an organised crime group;
 - (b) controlling one or more persons participating in the criminal activities of an organised crime group.
- (4) In subsection (3)(a), “instructing” includes threatening another person and any other means of putting pressure on the other person.
- (5) For a person to be guilty of an offence under this section it is not necessary—
- (a) for any criminal activities capable of being directed by the person’s act to be carried on,
 - (b) for the person to know any of the persons who are members of the organised crime group, or
 - (c) for all of the acts or omissions comprising participation in the group's criminal activities to be carried on in Northern Ireland (provided that at least one of them is).
- (6) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a term not exceeding 14 years or to a fine or to both.’

Minister of Justice

New Clause

After clause 19 insert—

‘Organised crime groups: amendments

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

Minister of Justice

New Schedule

After Schedule 4 insert—

‘SCHEDULE 5

Section 19D.

ORGANISED CRIME GROUPS: AMENDMENTS

Criminal Justice and Public Order Act 1994

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

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

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

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

Proceeds of Crime Act 2002

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

“Organised crime

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

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

Serious Crime Act 2007

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

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

“Organised crime

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

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

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

“Organised crime

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

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

Criminal Justice (Northern Ireland) Order 2008

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

“Justice Act (Northern Ireland) 2025

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

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

Procurement Act 2023

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

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

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

Minister of Justice

Long Title

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

Minister of Justice

New Clause

After clause 26 insert—

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

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

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

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

Mr Patsy McGlone

Mr Paul Frew

Miss Nuala McAllister

New Clause

After clause 23 insert—

‘Duty to administer preliminary tests

Duty to administer preliminary tests

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

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

(b) after paragraph 1 insert—

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

Mr Paul Frew

New Clause

After clause 23 insert—

‘Drugs testing at authorised check-points

Drugs testing at authorised check-points

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

(2) In Article 13(3)(a)—

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

(3) After Article 17CA insert—

“Drugs testing at authorised check-points

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

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

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

(2) A check-point drugs test is a procedure whereby a specimen of saliva is obtained from the person to whom the test is administered for the purpose of obtaining, by means of a device approved by the Department, an indication whether that person to whom the test is administered has a drug in their body.

(3) The establishment of a check-point drugs test for the purposes of this Article must be authorised by a member of the Police Service of Northern Ireland, not below the rank of inspector; and a check-point drugs test for those purposes may be authorised to be established in any public place.

(4) Authorisation under paragraph (3) must be in writing and specify—

- (a) the public place where the check-point concerned is to be located, and
- (b) the day (or days) on which, and the hours between which, it may be operated.

(5) A check-point drugs test administered in reliance on this Article may be administered only at or near the check-point; and a constable may administer such a test by virtue of paragraph (1) only if the constable is in uniform.

(6) A person commits an offence if without reasonable excuse he fails to co-operate with a check-point drugs test in pursuance of a requirement imposed under this Article.”.

(4) In Article 17D—

(a) In paragraph (2)(a)—

- (i) omit “or” and insert “, a”;
- (ii) after “under Article 17CA” insert “or a check-point drugs test under Article 17CB”;

- (iii) after “person’s breath” insert “, saliva”.
- (b) In paragraph (2A)—
 - (i) omit second “or” and insert “, a”;
 - (ii) after “breath test” insert “or a check-point drugs test”.
- (5) In Article 18, after paragraph (1A) insert—

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

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