

*These notes refer to the Justice Act (Northern Ireland)
2011 (c.24) which received Royal Assent on 4 May 2011*

Justice Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Treatment of Offenders

This Part makes various amendments to existing legislation.

Section 51: Increase in maximum term of imprisonment for common assault or battery

This section increases the maximum term of imprisonment for common assault or battery under section 42 of the Offences against the Person Act 1861 to six months. As a consequence it also repeals section 43 (aggravated assault).

Section 52: Penalty for certain knife offences

This section increases the maximum penalty for the offence of having a weapon on school premises on summary conviction to 12 months' imprisonment; a fine not exceeding the statutory maximum; or both. On conviction on indictment, the maximum penalties are 4 years' imprisonment, an unlimited fine, or both.

Section 53: Extension of maximum period of deferment of sentence

This section increases the maximum period for which sentencing for an offence may be deferred from six months to twelve months. An exception is where an interim driving disqualification is also being imposed in which case the maximum remains at six months.

Section 54: Breach of licence conditions by sex offenders

This section amends article 27 of the Criminal Justice (Northern Ireland) Order 1996 so that if a person breaches the conditions of their licence and have no known address in Northern Ireland they can be brought before the court which made the original order.

Section 55: Sexual offences: closure orders

This section amends the Sexual Offences Act 2003 to ensure that a district judge (magistrates' courts) will hear applications relating to closure orders.

Section 56: Financial reporting orders

This section adds to the list of offences which can receive a financial reporting order.

Section 57: Dangerous offenders: serious and specified offences

This section makes the offence of hijacking under section 2 of the Criminal Jurisdiction Act 1975 eligible for both indeterminate and extended custodial sentences under the provisions of the Criminal Justice (Northern Ireland) Order 2008.

Section 58: Supervised activity order in respect of certain financial penalties

This section ensures that supervised activity orders (community-based alternatives to custody for fine default) are available to magistrates' courts in respect of anyone who has had a financial penalty imposed elsewhere in the EU, who then returns or moves to Northern Ireland without having paid the fine, and in respect of whom the penalty is transferred to Northern Ireland.