
STATUTORY INSTRUMENTS

1979 No. 1714 (N.I. 19)

NORTHERN IRELAND

The Perjury (Northern Ireland) Order 1979

Laid before Parliament in draft

Made 19th December 1979

Coming into Operation 20th January 1980

ARRANGEMENT OF ORDER

Article

1. Title and commencement.
2. Interpretation.
3. Perjury.
4. False written statements tendered in evidence.
5. False written statements tendered in evidence in courts-martial.
6. False unsworn statements under the Evidence (Proceedings in Other Jurisdictions) Act 1975.
7. False statements on oath made otherwise than in a judicial proceeding.
8. False statements, etc., with reference to marriage.
9. False statements, etc., as to births or deaths.
10. False statutory declarations and other false unsworn statements.
11. False declarations, etc., to obtain registration, etc., for carrying on a vocation.
12. Aiders, abettors, suborners, etc.
13. Power to direct a prosecution for perjury.
14. Corroboration.
15. Proof of certain proceedings on which perjury is assigned.
16. Time limit for summary proceedings.
17. Forms and ceremonies used in administering oaths.
18. Savings.
19. Consequential amendments and repeals.

SCHEDULES:

Schedule 1—Amendments.

Schedule 2—Repeals.

At the Court at Buckingham Palace, the 19th day of December 1979

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1. This Order may be cited as the Perjury (Northern Ireland) Order 1979 and shall come into operation on the expiration of the period of one month from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“enactment” includes any provision in any Act of the Parliament of the United Kingdom or of the Parliament of Northern Ireland whether public general, local or private, or in any Measure of the Assembly, and a provision in any rule, regulation, bye-law, order or other instrument made under any such Act or Measure;

“judicial proceeding” has the meaning assigned to it by Article 3 (2);

“statutory declaration” means a declaration made by virtue of the Statutory Declarations Act 1835 (c), or of any Act of the Parliament of the United Kingdom or of the Parliament of Northern Ireland, Measure of the Assembly, Order in Council, order of the Secretary of State by virtue of paragraph 4 (2) of Schedule 5 to the Northern Ireland Constitution Act 1973 (d), rule or regulation applying or extending the Statutory Declarations Act 1835.

(3) For the purposes of section 42 (2) of the Northern Ireland Constitution Act 1973 (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

Perjury

3.—(1) Any person lawfully sworn as a witness or as an interpreter in a judicial proceeding who wilfully makes a statement material in that proceeding, which he knows to be false, or does not believe to be true, shall be guilty of perjury, and shall, on conviction on indictment, be liable to imprisonment for a term not exceeding seven years, or to a fine, or to both.

(a) 1974 c. 28. (b) 1954 c. 33 (N.I.). (c) 1835 c. 62. (d) 1973 c. 36.

(2) The expression “judicial proceeding” includes a proceeding before any court, tribunal, or person having by law power to hear, receive, and examine evidence on oath.

(3) Where a statement made for the purposes of a judicial proceeding is not made before the tribunal itself, but is made on oath before a person authorised by law to administer an oath to the person who makes the statement, and to record or authenticate the statement, it shall, for the purposes of this Article, be treated as having been made in a judicial proceeding.

(4) A statement made by a person lawfully sworn in Northern Ireland for the purposes of a judicial proceeding—

(a) in another part of Her Majesty’s dominions; or

(b) in a British tribunal lawfully constituted in any place by sea or land outside Her Majesty’s dominions; or

(c) in a tribunal of any foreign state;

shall, for the purposes of this Article, be treated as a statement made in a judicial proceeding in Northern Ireland.

(5) The question whether a statement on which perjury is assigned was material is a question of law to be determined by the court at the trial.

False written statements tendered in evidence

4.—(1) Any person who in a written statement tendered in evidence in criminal proceedings by virtue of—

(a) section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (a), or

(b) section 3 of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968 (b),

wilfully makes a statement material in those proceedings which he knows to be false, or does not believe to be true, shall be guilty of an offence.

(2) Any person who in a written statement made in Northern Ireland and tendered in evidence in the Republic of Ireland in any criminal proceedings wilfully makes a statement material in those proceedings which he knows to be false, or does not believe to be true, shall be guilty of an offence.

(3) A person guilty of an offence under paragraph (1) or (2) shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.

(4) This Article is without prejudice to Article 3, and paragraph (1) applies whether the written statement is made in Northern Ireland, Great Britain or the Republic of Ireland.

False written statements tendered in evidence in courts-martial

5.—(1) Any person who in a written statement tendered in evidence in proceedings before a court-martial by virtue of section 9 of the Criminal Justice Act 1967 (c) as extended by section 12 of that Act or by section 99A of the Army Act 1955 (d) or section 99A of the Air Force Act 1955 (e) wilfully makes a statement material in those proceedings which he knows to be false, or does not believe to be true, shall be guilty of an offence.

(a) 1968 c. 28 (N.I.) (b) 1968 c. 32 (N.I.).
(c) 1967 c. 80. (d) 1955 c. 18. (e) 1955 c. 19.

(2) A person guilty of an offence under paragraph (1) shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.

(3) Paragraph (1) is without prejudice to Article 3, and applies whether the written statement is made in Northern Ireland or elsewhere.

False unsworn statements under the Evidence (Proceedings in Other Jurisdictions) Act 1975

6. Any person who, in giving any testimony (either orally or in writing) otherwise than on oath, where required to do so by an order under section 2 of the Evidence (Proceedings in Other Jurisdictions) Act 1975 (a), makes a statement—

- (a) which he knows to be false in a material particular, or
- (b) which is false in a material particular and which he does not believe to be true,

shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.

False statements on oath made otherwise than in a judicial proceeding

7.—(1) Any person required or authorised by law to make any statement on oath for any purpose, and being lawfully sworn (otherwise than in a judicial proceeding) who wilfully makes a statement which is material for that purpose and which he knows to be false, or does not believe to be true, shall be guilty of an offence.

(2) Any person who wilfully uses any false affidavit for the purposes of—

- (a) the Bills of Sale (Ireland) Acts 1879 and 1883 (b); or
 - (b) any enactment relating to the registration of deeds or other documents;
- or
- (c) any enactment relating to the registration of title to land,

shall be guilty of an offence.

(3) A person guilty of an offence under paragraph (1) or (2) shall be liable on conviction on indictment to imprisonment for a term not exceeding seven years, or to a fine, or to both.

False statements, etc., with reference to marriage

8.—(1) Any person who—

- (a) for the purpose of procuring a marriage or a certificate or licence for marriage, knowingly and wilfully makes a false oath or makes or signs a false declaration, notice or certificate required under any enactment relating to marriage or to the registration of marriages; or
- (b) knowingly and wilfully makes, or knowingly and wilfully causes to be made, for the purpose of being inserted in any register of marriage, a false statement as to any particular required by law to be known and registered relating to any marriage; or
- (c) forbids the issue of any certificate or licence for marriage by falsely representing himself to be a person whose consent to the marriage is required by law, knowing such representation to be false,

shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable—

- (a) on summary conviction to a fine not exceeding £100;
- (b) on conviction on indictment to imprisonment for a term not exceeding seven years, or to a fine, or to both.

(a) 1975 c. 34.

(b) 1879 c. 50; 1883 c. 7.

False statements, etc., as to births or deaths

9.—(1) Any person who—

- (a) wilfully makes any false answer to any question put to him by any registrar of births or deaths relating to the particulars required to be registered concerning any birth or death, or, wilfully gives to any such registrar any false information concerning any birth or death or the cause of any death; or
- (b) wilfully makes any false certificate or declaration under or for the purposes of any enactment relating to the registration of births or deaths, or knowing any such certificate or declaration to be false, uses it as true or gives or sends it to any person as true; or
- (c) wilfully makes, gives or uses any false statement or declaration as to a child born alive having been still-born, or as to the body of a deceased person or a still-born child in any coffin, or falsely pretends that any child born alive was still-born; or
- (d) makes any false statement with intent to have it inserted in any register of births or deaths,

shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable—

- (a) on summary conviction to a fine not exceeding £100;
- (b) on conviction on indictment to imprisonment for a term not exceeding seven years, or to a fine.

(3) A prosecution on indictment for an offence against paragraph (1) shall not be commenced more than three years after the commission of the offence.

False statutory declarations and other false unsworn statements

10. Any person who knowingly and wilfully makes (otherwise than on oath) a statement which is false in a material particular—

- (a) in a statutory declaration; or
- (b) in an abstract, account, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return, or other document which he is authorised or required to make, attest, or verify, by any enactment; or
- (c) in any oral declaration or oral answer which he is required to make by, under, or in pursuance of, any enactment,

shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.

False declarations, etc., to obtain registration, etc., for carrying on a vocation

11. Any person who—

- (a) procures or attempts to procure himself to be registered on any register or roll kept under or in pursuance of any enactment of persons qualified by law to practice any vocation or calling; or
- (b) procures or attempts to procure a certificate of the registration of any person on any such register or roll,

by wilfully making or producing or causing to be made or produced either verbally or in writing, any declaration, certificate, or representation which he knows to be false or fraudulent, shall be guilty of an offence and liable on

conviction on indictment to imprisonment for a term not exceeding one year, or to a fine, or to both.

Aiders, abettors, suborners, etc.

12.—(1) Any person who aids, abets, counsels, procures, or suborns another person to commit an offence against this Order shall be liable to be proceeded against, indicted, tried and punished as if he were a principal offender.

(2) Any person who incites or attempts to procure or suborn another person to commit an offence against this Order shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.

Power to direct a prosecution for perjury

13.—(1) Where any of the following authorities, namely, a judge of, or person presiding in, a court of record, or a magistrates' court, is of opinion that any person has, in the course of a proceeding before that authority, been guilty of perjury, the authority may—

- (a) order the prosecution of that person for the perjury where there appears to be reasonable cause for such a prosecution, and
- (b) commit him, or admit him to bail, to take his trial at the proper court, and
- (c) require any person to enter into a recognizance to prosecute or to give evidence against the person whose prosecution is so ordered, and
- (d) give the person so bound to prosecute a certificate of the making of the order for the prosecution,

for which certificate no charge shall be made.

(2) An order made or a certificate given under paragraph (1) shall not be given in evidence for the purpose or in the course of any trial of a prosecution resulting therefrom.

Corroboration

14. A person shall not be liable to be convicted of any offence against this Order, or of any offence declared by any other enactment to be perjury or subornation of perjury, or to be punishable as perjury or subornation of perjury, solely upon the evidence of one witness as to the falsity of any statement alleged to be false.

Proof of certain proceedings on which perjury is assigned

15. On a prosecution—

(a) for perjury alleged to have been committed on the trial of an indictment;
or

(b) for procuring or suborning the commission of perjury on any such trial; the fact of the former trial shall be sufficiently proved by the production of a certificate containing the substance and effect (omitting the formal parts) of the indictment and trial purporting to be signed by the appropriate officer of the Crown Court without proof of the signature or official character of the person appearing to have signed the certificate.

Time limit for summary proceedings

16. Where an offence may be tried summarily under the provisions of this Order summary proceedings may, notwithstanding section 34 (a) of the

The Aid to Industry Act (Northern Ireland) 1961 (c. 17)

4. In section 3 (2), for “section five of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

The Marketing of Potatoes Act (Northern Ireland) 1964 (c. 8)

5. In section 13 (1), for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

The Industrial Advice and Enterprise Act (Northern Ireland) 1964 (c. 11)

6. In section 17, for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

The Magistrates’ Courts Act (Northern Ireland) 1964 (c. 21)

7. In Schedule 3, in paragraph 13, for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

The Pig Production Development Act (Northern Ireland) 1964 (c. 25)

8. In section 6 (2), for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

The Business Tenancies Act (Northern Ireland) 1964 (c. 36)

9. In section 22 (1), for “Perjury Act (Northern Ireland) 1946” substitute “Perjury (Northern Ireland) Order 1979”.

The New Towns Act (Northern Ireland) 1965 (c. 13)

10. In section 24 (3), for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

The Transport Act (Northern Ireland) 1967 (c. 37)

11. In section 35, for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

The Firearms Act (Northern Ireland) 1969 (c. 12)

12. In section 8 (4), for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

13. In section 12 (2), for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

14. In section 22 (3), for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

15. In section 24 (4), for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

16. In section 34 (1), for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

The Grand Jury (Abolition) Act (Northern Ireland) 1969 (c. 15)

17. In section 2 (2) (d), for “section 8 of the Perjury Act (Northern Ireland) 1946” substitute “Article 13 of the Perjury (Northern Ireland) Order 1979”.

The Industrial and Provident Societies Act (Northern Ireland) 1969 (c. 24)

18. In section 67 (4), for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

The Judgments (Enforcement) Act (Northern Ireland) 1969 (c. 30)

19. In section 100A for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

The Friendly Societies Act (Northern Ireland) 1970 (c. 31)

20. In section 55 (7), for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

21. In section 83 (4), for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

The Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971 (c. 7)

22. In section 31 (1), for “Perjury Act (Northern Ireland) 1946” substitute “Perjury (Northern Ireland) Order 1979”.

The Local Government Act (Northern Ireland) 1972 (c. 9)

23. In section 78 (2), for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

The European Communities Act 1972 (c. 68)

24. In section 11 (1)—

(a) in paragraph (c), for “section 1 (1) of the Perjury Act (Northern Ireland) 1946” substitute “Article 3 (1) of the Perjury (Northern Ireland) Order 1979”;

(b) for “section 8 of the Perjury Act (Northern Ireland) 1946” substitute “Article 13 of the Perjury (Northern Ireland) Order 1979”.

The Drainage (Northern Ireland) Order 1973 (S.I. 1973/69 (N.I. 1))

25. In Schedule 7, in paragraph 14 (5), for “Perjury Act (Northern Ireland) 1946” substitute “Perjury (Northern Ireland) Order 1979”.

The Evidence (Proceedings in Other Jurisdictions) Act 1975 (c. 34)

26. In section 6 (2), for “section 1 (4) of the Perjury Act (Northern Ireland) 1946” substitute “Article 3 (4) of the Perjury (Northern Ireland) Order 1979”.

The Armed Forces Act 1976 (c. 52)

27. In Schedule 3, paragraph 12 (4) (l) for “section 1AAA of the Perjury Act (Northern Ireland) 1946” substitute “Article 5 of the Perjury (Northern Ireland) Order 1979”.

The Patents Act 1977 (c. 37)

28. In section 92 (5) for “section 1 (4) of the Perjury Act (Northern Ireland) 1946” substitute “Article 3 (4) of the Perjury (Northern Ireland) Order 1979”.

*The Judgments Enforcement and Debts Recovery (Northern Ireland) Order 1979
(S.I. 1979/296 (N.I. 3))*

29. In Article 25 the amendment of section 100A of the Judgments (Enforcement) Act (Northern Ireland) 1969 set out in paragraph 19.

*The Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979
(S.I. 1979/925 (N.I. 9))*

30. In Article 10, for “section 5 of the Perjury Act (Northern Ireland) 1946” substitute “Article 10 of the Perjury (Northern Ireland) Order 1979”.

SCHEDULE 2

Article 19 (2).

REPEALS

Chapter	Short Title	Extent of Repeal
7 Geo. 4 c. 16.	The Chelsea and Kilmainham Hospitals Act 1826.	Section 28.
3 & 4 Will. 4 c. 41.	The Judicial Committee Act 1833.	In section 9, the words from "and every such witness" to the end.
6 & 7 Will. 4 c. 13.	The Constabulary (Ireland) Act 1836.	In section 24, the words from "and any person who" to the end.
12 & 13 Vict. c. 78.	The House of Lords Costs Taxation Act 1849.	In section 5, the words from "and any person" to the end.
17 & 18 Vict. c. 103.	The Towns Improvement (Ireland) Act 1854.	In section 91, the words from "Every person" to the end.
21 & 22 Vict. c. 78.	The Parliamentary Witnesses Act 1858.	Section 3.
27 & 28 Vict. c. 25.	The Naval Prize Act 1864.	Section 50.
55 & 56 Vict. c. 23.	The Foreign Marriage Act 1892.	Section 15.
6 Edw. 7 c. 40.	The Marriage with Foreigners Act 1906.	In section 1, subsection (2).
19 & 20 Geo. 5 c. 29.	The Government Annuities Act 1929.	In section 62, subsections (3) and (4).
1946 c. 13.	The Perjury Act (Northern Ireland) 1946.	The whole Act.
1967 c. 29.	The Increase of Fines Act (Northern Ireland) 1967.	In the Schedule, in Part I, the entries relating to the Perjury Act (Northern Ireland) 1946.
1968 c. 34.	The Children and Young Persons Act (Northern Ireland) 1968.	In Schedule 7, paragraph 7.
1975 c. 34.	The Evidence (Proceedings in Other Jurisdictions) Act 1975.	In Schedule 1, the entry relating to the Perjury Act (Northern Ireland) 1946.
1975 c. 59.	The Criminal Jurisdiction Act 1975.	In section 9, subsections (2) and (3).
1975 c. 62.	The Northern Ireland (Emergency Provisions) (Amendment) Act 1975.	In section 1 (1), the words "and sections 1A and 1B of the Perjury Act (Northern Ireland) 1946 (penalties for the making of false statements which are

Chapter	Short Title	Extent of Repeal
1975 c. 62. (<i>contd.</i>)	The Northern Ireland (Emergency Provisions) (Amendment) Act 1975. (<i>contd.</i>)	tendered in evidence under either the said section 1 or 3)".
1976 c. 52.	The Armed Forces Act 1976.	In Schedule 9, paragraph 2.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order consolidates the Perjury Act (Northern Ireland) 1946 and the enactments amending that Act. The Order repeals certain enactments rendered obsolete by that Act.

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NORTHERN IRELAND

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