
STATUTORY INSTRUMENTS

1996 No. 3160

The Criminal Justice (Northern Ireland) Order 1996

PART IV

COURSE OF JUSTICE: EVIDENCE, PROCEDURE, ETC.

Intimidation, etc., of witnesses, jurors and others

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47.—(1) A person who does to another person—

- (a) an act which intimidates, and is intended to intimidate, that other person;
- (b) knowing or believing that the other person is assisting in the investigation of an offence or is a witness or potential witness or a juror or potential juror in proceedings for an offence; and
- (c) intending thereby to cause the investigation or the course of justice to be obstructed, perverted or interfered with,

shall be guilty of an offence.

(2) A person who does or threatens to do to another person—

- (a) an act which harms or would harm, and is intended to harm, that other person;
- (b) knowing or believing that the other person, or some other person, has assisted in an investigation into an offence or has given evidence or particular evidence in proceedings for an offence, or has acted as a juror or concurred in a particular verdict in proceedings for an offence; and
- (c) does or threatens to do the act because of what (within sub-paragraph (b)) he knows or believes,

shall be guilty of an offence.

(3) A person does an act “to” another person with the intention of intimidating, or (as the case may be) harming, that other person not only where the act is done in the presence of that other and directed at him directly but also where the act is done to a third person and is intended, in the circumstances, to intimidate or (as the case may be) harm the person at whom the act is directed.

(4) The harm that may be done or threatened may be financial as well as physical (whether to the person or a person’s property) and similarly as respects an intimidatory act which consists of threats.

(5) The intention required by paragraph (1)(c) and the motive required by paragraph (2)(c) need not be the only or the predominating intention or motive with which the act is done or, in the case of paragraph (2), threatened.

(6) A person guilty of an offence under this Article shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine or to both;

(b) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or to both.

(7) If, in proceedings against a person for an offence under paragraph (1), it is proved that he did an act falling within sub-paragraph (a) with the knowledge or belief required by sub-paragraph (b), he shall be presumed, unless the contrary is proved, to have done the act with the intention required by sub-paragraph (c) of that paragraph.

(8) If, in proceedings against a person for an offence under paragraph (2), it is proved that he did or threatened to do an act falling within sub-paragraph (a) within the relevant period with the knowledge or belief required by sub-paragraph (b), he shall be presumed, unless the contrary is proved, to have done the act with the motive required by sub-paragraph (c) of that paragraph.

(9) In this Article—

“investigation into an offence” means such an investigation by the police or other person charged with the duty of investigating offences or charging offenders;

“offence” includes an alleged or suspected offence;

“potential”, in relation to a juror, means a person who has been summoned for jury service at the court at which proceedings for the offence are pending; and

“the relevant period”—

(a) in relation to a witness or juror in any proceedings for an offence, means the period beginning with the institution of the proceedings and ending with the first anniversary of the conclusion of the trial or, if there is an appeal or reference under section 10 or 12 of the Criminal Appeal Act 1995, of the conclusion of the appeal;

(b) in relation to a person who has or is believed by the accused to have, assisted in an investigation into an offence, but was not also a witness in proceedings for an offence, means the period of one year beginning with any act of his, or any act believed by the accused to be an act of his, assisting in the investigation; and

(c) in relation to a person who both has or is believed by the accused to have, assisted in the investigation into an offence and was a witness in proceedings for the offence, means the period beginning with any act of his, or any act believed by the accused to be an act of his, assisting in the investigation and ending with the anniversary mentioned in sub-paragraph (a).

(10) For the purposes of the definition of the relevant period in paragraph (9)—

(a) proceedings for an offence are instituted at the earliest of the following times—

(i) when a summons or warrant is issued under Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981 in respect of the offence;

(ii) when a person is charged with the offence after being taken into custody without a warrant;

(iii) when an indictment is presented under section 2(2)(c), (e) or (f) of the Grand Jury (Abolition) Act (Northern Ireland) 1969;

and where the application of this sub-paragraph would result in there being more than one time for the institution of proceedings, they shall be taken to have been instituted at the earliest of those times;

(b) proceedings at a trial of an offence are concluded with the occurrence of any of the following, the discontinuance of the prosecution, the discharge of the jury without a finding, the acquittal of the accused or the sentencing of or other dealing with the accused for the offence of which he was convicted; and

(c) proceedings on an appeal are concluded on the determination of the appeal or the abandonment of the appeal.

(11) This Article is in addition to, and not in derogation of, any offence subsisting at common law.