

**CRIMINAL JUSTICE (NO 2)
(NORTHERN IRELAND) ORDER 2004**

S.I. 2004 1991

EXPLANATORY MEMORANDUM

3.

CONSULTATION

A consultation document, “ Race Crime and Sectarian Crime Legislation in Northern Ireland”, was published in October 2002 and widespread support was received for the proposals in the document. In addition respondents highlighted the growing problem of attacks against people in Northern Ireland because of their sexual orientation and wanted any changes to legislation to include measures to address this problem.

Draft Proposals for legislation were issued for public consultation in February 2004 and again there was broad support for the legislative approach adopted to deal with this issue. Several respondents stated that attacks against people with disabilities was a significant problem in Northern Ireland and wanted the legislation to address this issue.

Again in exploring what might be done in law, Government held a separate public consultation – also in 2003 - on road traffic penalties. The consultation comprised some 25 proposals spanning a wide variety of issues including a reform of the points system and fixed penalty regime, heavier penalties for drink-driving, and dangerous driving. Responses were received from a wide variety of respondents, the overwhelming majority of whom positively supported the Government’s proposals for reform. Government has already legislated in respect of two of the most serious matters raised in the consultation by increasing the penalty from 10 to 14 years with regard to both causing death or grievous bodily injury by dangerous driving, and causing death or grievous bodily injury by careless driving when under the influence of drink or drugs. Those on so-called “joy-riding” are being taken forward by this draft Order. (The remaining proposals in the consultation document will be taken forward in due course.)

The draft proposal for an Order was also scrutinised by the Northern Ireland Affairs Committee as part of its inquiry into Hate Crime in Northern Ireland. The Committee published its Report on 19 May 2004. The main recommendation of the Committee was the inclusion of disability as a category in the legislation. The Government accepted this recommendation.