

**2016 No. 58**

**CRIMINAL PROCEDURE**

**The Criminal Justice Act 1988 (Reviews of Sentencing) Order  
(Northern Ireland) 2016**

*Made* - - - - - *18th February 2016*

*Coming into operation-* - - - - *1st April 2016*

The Department of Justice makes the following Order in exercise of the powers conferred by section 35(4) of the Criminal Justice Act 1988(a), and now vested in it (b):

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 2016 and shall come into operation on 1st April 2016.

(2) “The 1988 Act” means the Criminal Justice Act 1988.

**Part 4 of the 1988 Act**

**2.** Part 4 of the 1988 Act (reviews of sentencing) shall apply to any case in which sentence is passed on a person for any of the following offences-

- (a) an offence under section 20 of the Offences Against the Person Act 1861(c) (inflicting bodily injury, with or without weapon);
- (b) an offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978(d) (indecent photographs of children);
- (c) an offence under Article 15 of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988(e) (possession of indecent photograph of child);

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(a) 1988 c.33; section 35 is amended by the Criminal Justice and Public Order Act 1994 (c.33), section 168(1) and Schedule 9, paragraph 34(a) and, in its application to Northern Ireland, section 35 is amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), Article 12 and Schedule 14, paragraphs 29 and 30.

(b) Article 12 of, and paragraphs 29 and 30 of Schedule 14 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976) transferred the functions of the Secretary of State under section 35(4) of the 1988 Act (in its application to Northern Ireland) to the Department of Justice in Northern Ireland.

(c) 1861 c.100; section 20 is amended by Article 4(1) of the Criminal Justice (No.2) (Northern Ireland) Order 2004 (S.I. 2004/1991 (N.I.15)).

(d) S.I.1978/1047 (N.I.17); Article 3 is amended by the Fines and Protection (Northern Ireland) Order 1984 (S.I.1984/703 (N.I.3)), section 84(8) and (10) of the Criminal Justice and Public Order Act 1994 (c.33) (“the 1994 Act”), section 41 of the Criminal Justice and Courts Service Act 2000 (c.43) (“the 2000 Act”) and Article 42(4) of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1768 (N.I. 2)) (“the 2008 Order”).

(e) S.I. 1988/1847 (N.I.17)); Article 15 is amended by section 84(11) of the 1994 Act, section 41 of the 2000 Act, sections 148(1) and 153(2)(c) of, and paragraph 25 of Schedule 26 to, the Criminal Justice and Immigration Act 2008 (c.4) and Article 42(7) of the 2008 Order.

- (d) an offence under Article 4 of the Waste and Contaminated Land (Northern Ireland) Order 1997<sup>(a)</sup> (prohibition on unauthorised or harmful deposit, treatment or disposal, etc., of waste);
- (e) an offence under section 71 of the Coroners and Justice Act 2009 <sup>(b)</sup> (slavery, servitude and forced or compulsory labour);
- (f) an offence under section 4 of the Welfare of Animals Act (Northern Ireland) 2011<sup>(c)</sup> (unnecessary suffering);
- (g) an offence under section 8(1) and 8(2) of the Welfare of Animals Act (Northern Ireland) 2011 (fighting etc).

**3.** An offence described in Article 2 includes:

- (a) an offence of attempting to commit any of the offences described in Article 2: or
- (b) an offence under Part 2 of the Serious Crime Act 2007<sup>(d)</sup> (encouraging or assisting crime) in relation to an offence in Article 2 is the offence (or one of the offences) which the person intended or believed would be committed.

Sealed with the Official Seal of the Department of Justice on 18th February 2016



*David Ford*  
Minister of Justice

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(a) S.I. 1997/2778 (N.I.19); Article 4 is amended by Article 4(2) of the Waste (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/611 (N.I.3)).

(b) 2009 c.25.

(c) 2011 c.16 (N.I.).

(d) 2007 c.27.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Part 4 of the Criminal Justice Act 1988, as amended by the Justice (Northern Ireland) Act 2002, (c.26) empowers the Director of Public Prosecutions for Northern Ireland (“the DPP”), with the leave of the Court of Appeal, to refer certain cases to that Court where the DPP considers that the sentences imposed were unduly lenient.

Article 2(a) specifies offences of bodily injury with or without a weapon.

Article 2(b) and Article (c) specifies offences concerning the indecent images of children.

Article 2(d) specifies offences of unauthorised or harmful deposit or disposal etc. of waste.

Article 2(e) specifies offences of slavery, servitude and forced or compulsory labour committed before 14 January 2015. Section 71 was repealed and re-enacted, with certain amendments, by the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (2015 c.2 (N.I.)). The new offence is contained in section 1 of that Act and is triable only on indictment; it may therefore be automatically appealed in accordance with section 35(3)(b) of the Criminal Justice Act 1988.

Article 2(f) and (g) specifies the three animal welfare offences of unnecessary suffering and fighting.

Article 3 specifies cases in which a sentence is passed for attempting, encouraging or assisting the commission of any of the offences in Article 2.

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