



Justice (Northern Ireland) Act 2004

2004 CHAPTER 4

Criminal justice organisations

8 Guidance for criminal justice organisations on human rights standards

(1) The Attorney General for Northern Ireland shall issue, and as he thinks appropriate from time to time revise, guidance to organisations to which this section applies on the exercise of their functions in a manner consistent with international human rights standards relevant to the criminal justice system.

[^{F1}(1A) Before issuing or revising any guidance under this section, the Attorney General for Northern Ireland shall consult the Advocate General for Northern Ireland.]

(2) In the exercise of its functions, such an organisation shall have regard to any guidance for the time being in operation under this section; but this does not affect the operation, in relation to any such organisation, of section 6 of the Human Rights Act 1998 (c. 42) (public authority not to act in a way incompatible with a Convention right).

(3) Any guidance issued or revised under this section—

- (a) shall be published in such manner as the Attorney General for Northern Ireland thinks appropriate;
- (b) shall be laid before [^{F2}the Northern Ireland Assembly]; and
- (c) shall not come into operation until the Attorney General for Northern Ireland by order so provides.

[^{F3}(3A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (3)(b) in relation to the laying of any guidance as it applies in relation to the laying of a statutory document under an enactment.]

(4) This section applies to the following organisations—

- (a) the Public Prosecution Service for Northern Ireland,
- (b) ^{F4}
- (c) the Probation Board for Northern Ireland,
- (d) the Police Ombudsman for Northern Ireland,
- (e) the [^{F5}Department of Justice], but only in respect of ^{F6} . . . —

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[^{F7}(ai) the Department's functions mentioned in section 69(1) of the Judicature (Northern Ireland) Act 1978 ^{M1},]

- (i) [^{F8}functions exercised by] the Northern Ireland Prison Service,
- (ii) [^{F8}functions exercised by] the Youth Justice Agency,
- (iii) [^{F8}functions exercised by] Forensic Science Northern Ireland,
- (iv) [^{F8}functions exercised by] the State Pathologist's Department, or
- (v) [^{F8}functions exercised by] the Compensation Agency;

[^{F9}(f) the Police Service of Northern Ireland.]

and accordingly references in this section to the functions of an organisation are, in the case of the [^{F5}Department of Justice], references to the functions mentioned in paragraph (e).

- (5) The Attorney General for Northern Ireland may by order amend subsection (4) by—
- (a) adding any organisation having a role in the criminal justice system in Northern Ireland (apart from a court or tribunal);
 - (b) omitting an organisation; or
 - (c) altering the description of an organisation;

and an order under this subsection may make appropriate consequential amendments in this section or in any other enactment (whenever passed or made).

[^{F10}(5A) Before making an order under subsection (3)(c) or (5), the Attorney General for Northern Ireland shall consult the Advocate General for Northern Ireland.]

- (6) In section 52 of the Police (Northern Ireland) Act 2000 (c. 32) (code of ethics for police officers) after subsection (2) insert—

“(2A) In revising the code the Chief Constable and the Board shall also have regard to any guidance for the time being in operation under section 8 of the Justice (Northern Ireland) Act 2004.”

- (7) In section 37 of the 2002 Act (code of practice for prosecutors) after subsection (5) insert—

“(5A) In preparing or making alterations to a code the Director must also have regard to any guidance for the time being in operation under section 8 of the Justice (Northern Ireland) Act 2004.”

- (8) Nothing in this section requires the Public Prosecution Service for Northern Ireland to have regard to so much of any guidance for the time being in operation under this section as is inconsistent with a provision of a code of practice issued under section 37 of the 2002 Act.

- (9) In Schedule 7 to the 2002 Act (functions of Advocate General for Northern Ireland) after paragraph 7 insert—

“7A In section 8 of the Justice (Northern Ireland) Act 2004 (guidance for criminal justice organisations on human rights standards)—

- (a) after subsection (1) insert—

“(1A) Before issuing or revising any guidance under this section, the Attorney General for Northern Ireland shall consult the Advocate General for Northern Ireland.”;

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(b) after subsection (5) insert—

“(5A) Before making an order under subsection (3)(c) or (5), the Attorney General for Northern Ireland shall consult the Advocate General for Northern Ireland.””

Textual Amendments

- F1** S. 8(1A) inserted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), Sch. 7 para. 7A(a) (as inserted by Justice (Northern Ireland) Act 2004 (c. 4), ss. 8(9), 19; S.R. 2010/114, art. 2(a))
- F2** Words in s. 8(3)(b) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), 12, Sch. 14 para. 81(2) (with arts. 28-31)
- F3** S. 8(3A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), 12, Sch. 14 para. 81(3) (with arts. 28-31)
- F4** S. 8(4)(b) omitted (12.4.2010) by virtue of The Northern Ireland (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.I. 2010/133), art. 4, Sch. Pt. 1 para. 10(2) (with arts. 5-7)
- F5** Words in s. 8(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), 12, Sch. 14 para. 81(4)(a) (with arts. 28-31)
- F6** Words in s. 8(4)(e) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), 12, Sch. 14 para. 81(4)(b)(i) (with arts. 28-31)
- F7** S. 8(4)(e)(ai) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), 12, Sch. 14 para. 81(4)(b)(ii) (with arts. 28-31)
- F8** Words in s. 8(4)(e)(i)-(v) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), 12, Sch. 14 para. 81(4)(b)(iii) (with arts. 28-31)
- F9** S. 8(4)(f) inserted (17.3.2015) by The Justice (Northern Ireland) Act 2004 (Amendment of section 8(4)) Order (Northern Ireland) 2015 (S.R. 2015/168), arts. 1(2), 2(2)
- F10** S. 8(5A) inserted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), Sch. 7 para. 7A(b) (as inserted by Justice (Northern Ireland) Act 2004 (c. 4), ss. 8(9), 19; S.R. 2010/114, art. 2(a))

Commencement Information

- I1** S. 8 wholly in force at 12.4.2010; s. 8 not in force Royal Assent see s. 19; s. 8(1)-(8) in force at 1.2.2006 by S.R. 2005/282, art. 5; s. 8(9) in force at 12.4.2010 by S.R. 2010/114, art. 2(a)

Marginal Citations

- M1** 1978 c. 23.

9 The Juvenile Justice Board

- (1) Section 46 of the 2002 Act (organisations subject to inspection by the Chief Inspector) is amended as set out in subsections (2) to (4) in consequence of the dissolution of the Juvenile Justice Board and the establishment of the Youth Justice Agency.
- (2) In subsection (1) for paragraph (g) substitute—
“(g) the Youth Justice Agency;”.
- (3) In subsection (1)(h) omit “(other than the Juvenile Justice Board)”.
- (4) In subsection (4) for “Juvenile Justice Board” substitute “ Youth Justice Agency ”.

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- (5) The following provisions (which are spent or of no practical utility in consequence of the dissolution of the Juvenile Justice Board) shall cease to have effect—
- (a) the Malone and Whiteabbey Training Schools Act (Northern Ireland) 1956 (c. 4 (N. I.));
 - (b) in the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))—
 - (i) Article 56; and
 - (ii) Article 57(2);
 - (c) in Schedule 1 to the Commissioner for Children and Young People (Northern Ireland) Order 2003 (S.I. 2003/439 (N.I. 11)) in paragraph 13 the words “The Juvenile Justice Board and” and the word “other”.

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