



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.
- (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 each House of Parliament; and
 - (c) shall not come into operation until the Attorney General for Northern Ireland by order so provides.
- (4) This section applies to the following organisations—
 - (a) the Public Prosecution Service for Northern Ireland,
 - (b) the Court Service,
 - (c) the Probation Board for Northern Ireland,
 - (d) the Police Ombudsman for Northern Ireland,
 - (e) the Northern Ireland Office, but only in respect of functions exercised by—
 - (i) the Northern Ireland Prison Service,
 - (ii) the Youth Justice Agency,
 - (iii) Forensic Science Northern Ireland,
 - (iv) the State Pathologist's Department, or
 - (v) the Compensation Agency;

Status: This is the original version (as it was originally enacted).

and accordingly references in this section to the functions of an organisation are, in the case of the Northern Ireland Office, 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).

- (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.”;

- (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.””