Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Justice Act (Northern Ireland) 2011

2011 CHAPTER 24

An Act to make provision for an offender levy; to amend the law relating to measures for vulnerable and intimidated witnesses and live links; to make provision for policing and community safety partnerships; to make provision regulating certain sporting events; to amend the law relating to the treatment of offenders; to make provision for penalty notices and conditional cautions; to amend the law on legal aid; to confer additional rights of audience on certain solicitors; to amend the law on bail; to make other amendments relating to the administration of civil and criminal justice; and for connected purposes. [4th May 2011]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART 1

VICTIMS AND WITNESSES

CHAPTER 1

THE OFFENDER LEVY

Offender levy imposed by court

Offender levy imposed by court

1.—(1) This section applies where a court dealing with an offender for one or more offences imposes a sentence which is or includes—

(a) a sentence of imprisonment;

(b) a sentence of detention in a young offenders centre;

(c) a sentence of detention under Article 13(4)(b) or 14(5) of the Criminal Justice (Northern Ireland) Order 2008 (NI 1);

(d) a sentence of detention under Article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9);

(e) a community order (within the meaning given by Article 2(2) of the Criminal Justice (Northern Ireland) Order 1996 (NI 24)); or

(f) a fine.

(2) Subject to subsections (3) to (5), the court must, in addition, order the offender to pay an amount ("the offender levy") determined under section 6.

(3) Subsection (2) does not apply where the offender is an individual under the age of 18.

(4) Subsection (2) does not apply by virtue of a sentence mentioned in subsection (1)(a) or (b) if—

(a) that sentence is to be served concurrently with another such sentence imposed on the offender on a previous occasion; and

(b) the offender levy has been imposed under this section in relation to that other sentence.

(5) Where the court considers—

(a) that it would be appropriate to make a compensation order under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 (NI 15), but

(b) that the offender has insufficient means to pay both the offender levy and appropriate compensation,

the court must reduce the offender levy accordingly (if necessary to nil).

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) A sentence mentioned in subsection (1)(a) and (b) includes a sentence which is suspended under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29).

(7) The Department may by order amend subsection (1).

(8) No order shall be made under subsection (7) unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(9) In Article 29 of the Criminal Justice (Northern Ireland) Order 1996 (fixing of fines) after paragraph (3) insert—

> "(3A) In applying paragraph (3), a court must not reduce the amount of a fine on account of any offender levy it orders the offender to pay under section 1 of the Justice Act (Northern Ireland) 2011, except to the extent that the offender has insufficient means to pay both.".

Commencement Information

I1 S. 1(1)(a)-(d)(f)s. 1(3)-(5)s. 1(7)-(9) in operation at 6.6.2012 by S.R. 2012/214, **art. 2(a)(c)**

I2 S. 1(2) in operation at 6.6.2012 for specified purposes by S.R. 2012/214, **art. 2(b)**

Enforcement and treatment of offender levy imposed by court

2.—(1) An offender levy imposed by a court on an offender is enforceable in the same manner as any fine which has been, or might have been, imposed by the court in dealing with the offender.

(2) Accordingly any statutory provision referring (in whatever terms) to the enforcement of a fine imposed by a court shall have effect in relation to the enforcement of an offender levy imposed by that court as it has effect in relation to the enforcement of that fine.

(3) Subsections (1) and (2) are subject to—

(a) any provision made by regulations under subsection (4); and

(b) section 4.

(4) The Department may make such regulations with respect to the enforcement of an offender levy imposed by a court as it considers appropriate.

(5) Regulations under subsection (4) may in particular—

(a) modify any statutory provision as it has effect by virtue of subsection (2) in relation to an offender levy imposed by a court; and

(b) make such incidental, supplemental or consequential provision (including provision to modify a statutory provision) as appears to the Department to be expedient.

(6) In subsection (5) "modify" includes the making of additions, omissions, exceptions and amendments.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) Except as provided by or under this Part, amounts in respect of offender levies imposed by a court are to be paid, collected and treated in the same manner as amounts in respect of fines so imposed.

Commencement Information

I3 S. 2 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(d)**

Deduction of offender levy imposed by court from prisoner's earnings

3.—(1) In this section—

(a) "a relevant prisoner" means a person serving a sentence of imprisonment or detention who is liable to pay an offender levy imposed by a court;

(b) "earnings", in relation to a relevant prisoner, means money earned by that prisoner for work carried out under rule 51 of the Prison and Young Offender Centre Rules (Northern Ireland) 1995 (SR 1995/8).

(2) The governor of a prison or young offenders centre, or a person authorised by the governor, may make deductions from the earnings of a relevant prisoner for the purpose of discharging or reducing the liability of that prisoner to pay the offender levy.

(3) Deductions under this section are to be made at such rate and at such times and subject to such other conditions as the Department may direct.

Commencement Information

I4 S. 3 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(e)**

Offender levy imposed by court: other supplementary provisions

4.—(1) A court shall not, at the time of sentencing an offender, exercise any power to issue a warrant committing the offender to prison in respect of the non-payment of an offender levy imposed by the court.

(2) Where an offender is liable to pay both a fine and an offender levy imposed by a court, any amount paid by an offender in respect of that liability shall be treated as first discharging the liability to pay the offender levy.

(3) A court may remit all or part of an offender levy imposed by it on an offender if—

(a) the court in dealing with the offender imposed both a fine and an offender levy;

(b) the offender has defaulted in paying the fine; and

(c) in consequence of that default the court either—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(i) commits that person to prison; or

(ii) makes a supervised activity order under Article 45 of the Criminal Justice (Northern Ireland) Order 2008 (NI 1).

(4) If—

(a) the court in dealing with the offender imposed both a determinate sentence of imprisonment or detention (other than a suspended sentence) and an offender levy; and

(b) the liability of the offender to pay the offender levy was reduced, but not discharged, by deductions made under section 3,

the levy is, by virtue of this subsection, discharged on the expiry of the sentence.

Commencement Information

I5 S. 4 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(f)**

Offender levy on certain penalties

Offender levy on certain penalties

5.—(1) This section applies to—

(a) a fixed penalty payable in respect of—

(i) a notice under Article 60 of the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10) relating to an offence involving obligatory endorsement (within the meaning of Article 3 of that Order),

(ii) a conditional offer under Article 80 of that Order relating to such an offence;

(b) a penalty payable in respect of a penalty notice under section 60;

(c) a penalty specified by order made by the Department.

(2) The Department may not specify a penalty under subsection (1)(c) unless the penalty—

(a) is payable in respect of a notice issued to a person by, or on behalf of, a Northern Ireland department under a statutory provision; and

(b) payment of the penalty in pursuance of the notice discharges the person from liability to conviction for an offence to which the notice relates.

(3) An order under subsection (1)(c)—

(a) may amend the statutory provision under which any penalty specified by the order is payable;

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) shall not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(4) Where the person liable to pay a penalty to which this section applies is over the age of 18, the penalty is increased by an amount ("the offender levy") determined under section 6.

(5) Accordingly in Article 59 of the Road Traffic Offenders (Northern Ireland) Order 1996 (amount of fixed penalty) at the end insert—

"(3) Where—

(a) the fixed penalty is in respect of—

(i) a notice under Article 60 relating to an offence involving obligatory endorsement; or

(ii) a conditional offer under Article 80 relating to such an offence; and

(b) the person liable to pay the fixed penalty is over the age of 18,

the fixed penalty is increased by the amount of the offender levy determined under section 6 of the Justice Act (Northern Ireland) 2011.".

(6) Where the amount of a penalty is increased under section 62(5) or Article 69(2) of the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10) for the purposes of registering an amount for enforcement as a fine, so much of that penalty as consists of the offender levy shall be treated as having been increased by the same proportion.

Commencement Information

I6 S. 5(1)(b)(c)(2)(3) in operation at 6.6.2012 by S.R. 2012/214, **art. 2(g)(h)**

I7 S. 5(4) in operation at 6.6.2012 for specified purposes by S.R. 2012/214, **art. 2(i)**

Amount of the offender levy

Amount of the offender levy

6.—(1) The offender levy for the purposes of section 1 is—

(a) £50, where the sentence imposed on the offender is or includes—

(i) a determinate sentence of imprisonment or detention for more than 2 years (not being a suspended sentence); or

(ii) an indeterminate sentence of imprisonment or detention;

(b) £25, where that sentence—

(i) is or includes a determinate sentence of imprisonment or detention for 2 years or less (not being a suspended sentence); and

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(ii) does not include a sentence falling within paragraph (a);

(c) £20, where that sentence—

(i) is or includes a community order or a suspended sentence of imprisonment or detention; and

(ii) does not include a sentence falling within paragraph (a) or (b);

(d) £15, where that sentence—

(i) is or includes a fine; and

(ii) does not include a sentence falling within paragraph (a), (b) or (c).

(2) The offender levy for the purposes of section 5 is £5.

(3) The Department may by order amend subsections (1) and (2).

(4) No order shall be made under subsection (3) unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

Modifications etc. (not altering text)

C1 S. 6(1)(d)(ii) modified (temp.) (21.5.2012) by The Justice (2011 Act) (Commencement No. 4 and Transitory Provision) Order (Northern Ireland) 2012 (S.R. 2012/214), **art. 5**

Commencement Information

I8 S. 6(1)(a)(b)(d)(3)(4) in operation at 6.6.2012 by S.R. 2012/214, **art. 2(j)(l)** (with art. 5)

I9 S. 6(2) in operation at 6.6.2012 for specified purposes by S.R. 2012/214, **art. 2(k)**

CHAPTER 2

VULNERABLE AND INTIMIDATED WITNESSES

Special measures for vulnerable and intimidated witnesses

Eligibility for special measures: age of child witnesses

7.—(1) The Criminal Evidence (Northern Ireland) Order 1999 (NI 8) is amended as follows.

(2) In Article 4(1)(a) (witnesses eligible because under 17) for "17" substitute " 18 ".

(3) In Article 9 (special provisions relating to child witnesses)—

(a) in paragraph (8) for "17" substitute " 18 ", and

(b) in paragraph (9)(b) for "17" substitute " 18 ".

(4) In Article 10 (extension of Article 9 to certain witnesses)—

(a) in the title for "17" substitute " 18 ", and

(b) in paragraph (1)(a)(ii) for "17" substitute " 18 ".

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I10 S. 7 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(a)**

Special measures directions for child witnesses

8.—(1) Article 9 of the Criminal Evidence (Northern Ireland) Order 1999 (NI 8) (special provisions relating to child witnesses) is amended in accordance with subsections (2) to (6).

(2) In paragraph (1) omit sub-paragraph (b).

(3) In paragraph (2)(a) for "(7)" substitute " (4C) ".

(4) In paragraph (4)—

(a) omit the "and" at the end of sub-paragraph (b), and

(b) after sub-paragraph (b) insert—

"(ba) if the witness informs the court of the witness's wish that the rule should not apply or should apply only in part, the rule does not apply to the extent that the court is satisfied that not complying with the rule would not diminish the quality of the witness's evidence; and".

(5) After paragraph (4) insert—

"(4A) Where as a consequence of all or part of the primary rule being disapplied under paragraph (4)(ba) a witness's evidence or any part of it would fall to be given as testimony in court, the court must give a special measures direction making such provision as is described in Article 11 for the evidence or that part of it.

(4B) The requirement in paragraph (4A) is subject to the following limitations—

(a) if the witness informs the court of the witness's wish that the requirement in paragraph (4A) should not apply, the requirement does not apply to the extent that the court is satisfied that not complying with it would not diminish the quality of the witness's evidence; and

(b) the requirement does not apply to the extent that the court is satisfied that making such a provision would not be likely to maximise the quality of the witness's evidence so far as practicable (whether because the application to that evidence of one or more other special measures available in relation to the witness would have that result or for any other reason).

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4C) In making a decision under paragraph (4)(ba) or (4B)(a), the court must take into account the following factors (and any others it considers relevant)—

(a) the age and maturity of the witness;

(b) the ability of the witness to understand the consequences of giving evidence otherwise than in accordance with the requirements in paragraph (3) or (as the case may be) in accordance with the requirement in paragraph (4A);

(c) the relationship (if any) between the witness and the accused;

(d) the witness's social and cultural background and ethnic origins;

(e) the nature and alleged circumstances of the offence to which the proceedings relate.”.

(6) Omit paragraphs (5) to (7).

(7) In Article 10 of that Order (extension of provisions of Article 9)—

(a) in paragraph (1) omit sub-paragraph (b), and

(b) for paragraph (2) substitute—

“(2) Paragraphs (2) to (4) and (4C) of Article 9, so far as relating to the giving of a direction complying with the requirement contained in Article 9(3)(a), apply to a qualifying witness in respect of the relevant recording as they apply to a child witness (within the meaning of that Article).”.

Commencement Information

I11 S. 8 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(a)**

Special provisions relating to sexual offences

9 After Article 10 of the Criminal Evidence (Northern Ireland) Order 1999 (NI 8) insert—

“**Special provisions relating to sexual offences**

10A.—(1) This Article applies where in criminal proceedings relating to a sexual offence (or to a sexual offence and other offences) the complainant in respect of that offence is a witness in the proceedings.

(2) This Article does not apply if the place of trial is a magistrates' court.

(3) This Article does not apply if the complainant is an eligible witness by reason of Article 4(1)(a) (whether or not the complainant is an eligible witness by reason of any other provision of Article 4 or 5).

(4) If a party to the proceedings makes an application under Article 7(1)(a) for a special measures direction in relation to the complainant, the

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

party may request that the direction provide for any relevant recording to be admitted under Article 15 (video recorded evidence in chief).

(5) Paragraph (6) applies if—

(a) a party to the proceedings makes a request under paragraph (4) with respect to the complainant; and

(b) the court determines for the purposes of Article 7(2) that the complainant is eligible for assistance by virtue of Article 4(1)(b) or 5.

(6) The court must—

(a) first have regard to paragraphs (7) to (9); and

(b) then have regard to Article 7(2);

and for the purposes of Article 7(2), as it then applies to the complainant, any special measure required to be applied in relation to the complainant by virtue of this Article is to be treated as if it were a measure determined by the court, pursuant to Article 7(2)(a) and (b)(i), to be one that (whether on its own or with any other special measures) would be likely to maximise, so far as practicable, the quality of the complainant's evidence.

(7) The court must give a special measures direction in relation to the complainant that provides for any relevant recording to be admitted under Article 15.

(8) The requirement in paragraph (7) has effect subject to Article 15(2).

(9) The requirement in paragraph (7) does not apply to the extent that the court is satisfied that compliance with it would not be likely to maximise the quality of the complainant's evidence so far as practicable (whether because the application to that evidence of one or more other special measures available in relation to the complainant would have that result or for any other reason).

(10) In this Article "relevant recording", in relation to a complainant, is a video recording of an interview of the complainant made with a view to its admission as the evidence in chief of the complainant.".

Commencement Information

I12 S. 9 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(a)**

Evidence by live link: presence of supporter

10.—(1) In Article 12 of the Criminal Evidence (Northern Ireland) Order 1999 (NI 8) (evidence by live link) after paragraph (1) insert—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(1A) Such a direction may also provide for a specified person to accompany the witness while the witness is giving evidence by live link.

(1B) In determining who may accompany the witness, the court must have regard to the wishes of the witness.".

(2) In Article 15 of that Order (video recorded evidence in chief) after paragraph (9) insert—

"(9A) If the court directs under paragraph (9) that evidence is to be given by live link, it may also make such provision in that direction as it could make under Article 12(1A) in a special measures direction.".

Commencement Information

I13 S. 10 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(a)**

Video-recorded evidence in chief: supplementary testimony

11.—(1) Article 15 of the Criminal Evidence (Northern Ireland) Order 1999 (video recorded evidence in chief) is amended as follows.

(2) In paragraph (5) for sub-paragraph (b) substitute—

"(b) the witness may not without the permission of the court give evidence in chief otherwise than by means of the recording as to any matter which, in the opinion of the court, is dealt with in the witness's recorded testimony.".

(3) In paragraph (7)—

(a) for "paragraph (5)(b)(ii)" substitute " paragraph (5)(b) ", and

(b) in sub-paragraph (a) omit the words from "if there" to "relevant time,".

(4) Omit paragraph (8) (definition of "the relevant time").

(5) In paragraph (9) for "paragraph (5)(b)(ii)" substitute " paragraph (5)(b) ".

Commencement Information

I14 S. 11 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(a)**

Evidence of certain accused persons

Examination of accused through intermediary

12.—(1) After Article 21B of the Criminal Evidence (Northern Ireland) Order 1999 (NI 8) insert—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"**Examination of accused through intermediary**

21BA.—(1) This Article applies to any proceedings (whether in a magistrates' court or before the Crown Court) against a person for an offence.

(2) **[**[F1]Subject to paragraph (2A),**]**the court may, on the application of the accused, give a direction under paragraph (3) if it is satisfied—

(a) that the condition in paragraph (5) is or, as the case may be, the conditions in paragraph (6) are met in relation to the accused; and

(b) that giving the direction is necessary in order to ensure that the accused receives a fair trial.

[[F1](2A) A court may not give a direction under paragraph (3) unless—

(a) the court has been notified by the Department of Justice that arrangements for implementing such a direction have been made in relation to that court; and

(b) the notice has not been withdrawn.

(2B) The withdrawal of a notice given to a court under paragraph (2A) does not affect the operation of any direction under paragraph (3) given by that court before the notice is withdrawn.**]**

(3) A direction under this paragraph is a direction that provides for any examination of the accused to be conducted through an interpreter or other person approved by the court for the purposes of this Article ("an intermediary").

(4) The function of an intermediary is to communicate—

(a) to the accused, questions put to the accused, and

(b) to any person asking such questions, the answers given by the accused in reply to them,

and to explain such questions or answers so far as necessary to enable them to be understood by the accused or the person in question.

(5) Where the accused is aged under 18 when the application is made the condition is that the accused's ability to participate effectively in the proceedings as a witness giving oral evidence in court is compromised by the accused's level of intellectual ability or social functioning.

(6) Where the accused has attained the age of 18 when the application is made the conditions are that—

(a) the accused suffers from a mental disorder (within the meaning of the Mental Health (Northern Ireland) Order 1986) or otherwise has a significant impairment of intelligence and social functioning; and

(b) the accused is for that reason unable to participate effectively in the proceedings as a witness giving oral evidence in court.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) Any examination of the accused in pursuance of a direction under paragraph (3) must take place in the presence of such persons as rules of court or the direction may provide and in circumstances in which—

(a) the judge and legal representatives acting in the proceedings are able to see and hear the examination of the accused and to communicate with the intermediary;

(b) the jury (if there is one) are able to see and hear the examination of the accused; and

(c) where there are two or more accused in the proceedings, each of the other accused is able to see and hear the examination of the accused.

For the purposes of this paragraph any impairment of eyesight or hearing is to be disregarded.

(8) Where two or more legal representatives are acting for a party to the proceedings, paragraph (7)(a) is to be regarded as satisfied in relation to those representatives if at all material times it is satisfied in relation to at least one of them.

(9) A person may not act as an intermediary in a particular case except after making a declaration, in such form as may be prescribed by rules of court, that the person will faithfully perform the function of an intermediary.

(10) Article 3 of the Perjury (Northern Ireland) Order 1979 (perjury) applies in relation to a person acting as an intermediary as it applies in relation to a person lawfully sworn as an interpreter in a judicial proceeding.

Further provision as to directions under Article 21BA(3)

21BB.—(1) The court may discharge a direction given under Article 21BA(3) at any time before or during the proceedings to which it applies if it appears to the court that the direction is no longer necessary in order to ensure that the accused receives a fair trial (but this does not affect the power to give a further direction under Article 21BA(3) in relation to the accused).

(2) The court may vary (or further vary) a direction given under Article 21BA(3) at any time before or during the proceedings to which it applies if it appears to the court that it is necessary for the direction to be varied in order to ensure that the accused receives a fair trial.

(3) The court may exercise the power in paragraph (1) or (2) of its own motion or on an application by a party.

(4) The court must state in open court its reasons for—

(a) giving, varying or discharging a direction under Article 21BA(3), or

(b) refusing an application for, or for the variation or discharge of, a direction under Article 21BA(3),

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

and, if it is a magistrates' court, it must cause those reasons to be entered in the Order Book.”.

(2) In the heading of Part 2A of that Order after “LIVE LINK” insert “ AND INTERMEDIARY ”.

Textual Amendments

F1 Words in s. 12(1) inserted (26.4.2013) by Criminal Justice Act (Northern Ireland) 2013 (c. 7), **ss. 11(2)(3)**, 15(1)

Commencement Information

I15 S. 12 in operation at 10.5.2013 for specified purposes by S.R. 2013/125, **art. 2**

Witnesses protected from cross-examination by accused in person

Age of child complainant

13 In Article 23 of the Criminal Evidence (Northern Ireland) Order 1999 (child complainants and other child witnesses) in paragraph (4)(a) for “17” substitute “ 18 ”.

Commencement Information

I16 S. 13 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(b)**

PART 2

LIVE LINKS

Live links for patients detained in hospital

14.—(1) Article 79 of the Criminal Justice (Northern Ireland) Order 2008 (NI 1) (live links: introductory) is amended as follows.

(2) In paragraph (3)(a) at the end add “ or detained in a hospital under Part 3 of the Mental Health (Northern Ireland) Order 1986 ”.

Live links at preliminary hearings in the High Court

15.—(1) Article 80 of the Criminal Justice (Northern Ireland) Order 2008 (live links at preliminary hearings) is amended as follows.

(2) In paragraph (1) for “or the Crown Court” substitute “ , the Crown Court or the High Court ”.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Live links at preliminary hearing on appeals to the county court

16.—(1) This section applies in relation to a preliminary hearing in connection with an appeal to the county court under Article 140 of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26).

(2) Where it appears to the county court before which the preliminary hearing is to take place that the appellant is likely to be held in custody during the hearing, the court may give a live link direction under this section in relation to the attendance of the appellant at the hearing.

(3) A live link direction under this section is a direction requiring the appellant, if being held in custody during the hearing, to attend it through a live link from the place at which the appellant is being held.

(4) The appellant is to be treated as present in court when, by virtue of a live link direction, the appellant attends a hearing through a live link.

(5) If a hearing takes place in relation to the giving or rescinding of such a direction, the court may require or permit a person attending the hearing to do so through a live link.

(6) The court shall not give or rescind a live link direction under this section (whether at a hearing or otherwise) unless the parties to the proceedings have been given the opportunity to make representations.

(7) Subject to subsection (8), if where the appellant is attending a preliminary hearing through a live link it appears to the court—

(a) that the appellant is not able to see and hear the court and to be seen and heard by it, and

(b) that this cannot be immediately corrected,

the court shall adjourn the hearing.

(8) The court may proceed with the hearing if it is satisfied that it is not reasonably practicable to bring the appellant to court before the appellant ceases to be held in custody.

(9) If the court proceeds with the hearing under subsection (8) it shall not remand the appellant in custody for a period exceeding 8 days commencing on the day following that on which it remands him.

(10) A court shall not give a live link direction under this section unless—

(a) it has been notified by the Department that a live link is available between the court and the institution in which the appellant is or is to be held in custody; and

(b) the notice has not been withdrawn.

(11) In this section—

(a) references to a person being held in custody are references to the person's being held in custody in a prison, young offenders centre, juvenile justice

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

centre or other institution or detained in a hospital under Part 3 of the Mental Health (Northern Ireland) Order 1986 (NI 4);

(b) "live link" means an arrangement by which a person (when not in the place where the hearing is being held) is able to see and hear, and to be seen and heard by, the court during the hearing (and for this purpose any impairment of eyesight or hearing is to be disregarded);

(c) "preliminary hearing" means a hearing in connection with an appeal, held before the court starts to hear the appeal.

Live link in sentencing hearing on appeals to the county court

17.—(1) This section applies in relation to a sentencing hearing in connection with an appeal to the county court under Article 140 of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26).

(2) Where it appears to the county court before which the sentencing hearing is to take place that the appellant is likely to be held in custody during the hearing, the court may give a live link direction under this section in relation to the attendance of the appellant at the hearing.

(3) A live link direction under this section is a direction requiring the appellant, if being held in custody during the hearing, to attend it through a live link from the place at which the appellant is being held.

(4) The appellant is to be treated as present in court when, by virtue of a live link direction, the appellant attends a hearing through a live link.

(5) A live link direction under this section—

(a) may be given by the court of its own motion or on an application by a party; and

(b) may be given in relation to all subsequent sentencing hearings before the court or to such sentencing hearing or hearings as may be specified or described in the direction.

(6) The court may not give a live link direction under this section unless—

(a) the appellant has consented to the direction; and

(b) the court is satisfied that it is not contrary to the interests of justice to give the direction.

(7) The court may rescind a live link direction given under this section at any time before or during a sentencing hearing to which it relates if it appears to the court to be in the interests of justice to do so (but this does not affect the court's power to give a further live link direction under this section in relation to the appellant). The court may exercise this power of its own motion or on an application by a party.

(8) The appellant may not give oral evidence while attending a sentencing hearing through a live link by virtue of this section unless—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) the appellant consents to give evidence in that way; and

(b) the court is satisfied that it is not contrary to the interests of justice for the appellant to give it in that way.

(9) The court must state in open court its reasons for refusing an application for, or for the rescission of, a live link direction under this section.

(10) A court shall not give a live link direction under this section unless—

(a) it has been notified by the Department that a live link is available between the court and the institution in which the appellant is or is to be held in custody; and

(b) the notice has not been withdrawn.

(11) In this section—

(a) references to a person being held in custody are references to the person's being held in custody in a prison, young offenders centre, juvenile justice centre or other institution or detained in a hospital under Part 3 of the Mental Health (Northern Ireland) Order 1986 (NI 4);

(b) "live link" means an arrangement by which a person (when not in the place where the hearing is being held) is able to see and hear, and to be seen and heard by, the court during the hearing (and for this purpose any impairment of eyesight or hearing is to be disregarded);

(c) "sentencing hearing", in connection with an appeal, means any hearing following the determination of the appeal which is held for the purpose of—

(i) proceedings relating to the giving or rescinding of a live link direction;

(ii) sentencing the offender or determining how the court should deal with the offender in respect of the offence.

Live links in the Court of Appeal

18.—(1) The Court of Appeal may at any time give a live link direction in relation to any proceedings to which this section applies if a party to the proceedings ("P") is expected to be in custody.

(2) This section applies to proceedings in the Court of Appeal—

(a) on an appeal under Part 4 of the Criminal Justice (Northern Ireland) Order 2004 (NI 9);

(b) on an appeal under section 74(8) of the Serious Organised Crime and Police Act 2005 (c. 15);

(c) on an appeal under section 24 of the Serious Crime Act 2007 (c. 27);

(d) on a reference under section 36 of the Criminal Justice Act 1988 (c. 33);

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(e) on an application for bail under section 17 of the Criminal Appeal (Northern Ireland) Act 1980 (c. 47).

(3) For the purposes of this section—

(a) a "live link direction" is a direction that P (if P is being held in custody at the time of the proceedings) is to attend the proceedings through a live link from the place at which P is held;

(b) "live link" means an arrangement by which P is able to see and hear, and to be seen and heard by, the Court of Appeal (and for this purpose any impairment of eyesight or hearing is to be disregarded); and

(c) P is a party to any proceedings—

(i) in the case of an appeal, if P is the appellant or respondent or if the appeal relates to an order or ruling made in respect of P or made in respect of proceedings in which P is the accused;

(ii) in the case of a reference or application, if P's sentencing or admission to bail is the subject of the reference or application.

(4) The Court of Appeal—

(a) shall not give a live link direction unless—

(i) P has consented to the direction; and

(ii) any other party to the proceedings has had the opportunity to make representations about the giving of such a direction; and

(b) may rescind a live link direction at any time before or during any proceedings to which it applies (whether of its own motion or on the application of a party).

(5) The Court of Appeal must not give a live link direction unless—

(a) it has been notified by the Department that a live link is available between the Court and the institution at which P is expected to be in custody; and

(b) the notice has not been withdrawn.

(6) A live link direction does not apply to the giving of oral evidence by P at any hearing unless that direction, or any subsequent direction of the Court, provides expressly for the giving of such evidence through a live link.

(7) In section 45(2) of the Criminal Appeal (Northern Ireland) Act 1980 (powers exercisable by single judge) at the end of paragraph (fa) add " or under section 18 of the Justice Act (Northern Ireland) 2011 ".

Live link direction for vulnerable accused or appellant

19 For Article 21A of the Criminal Evidence (Northern Ireland) Order 1999 (NI 8) (live link directions for certain vulnerable accused) substitute—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"**Live link directions**

21A.—(1) This Article applies—

(a) to any proceedings in a magistrates' court or before the Crown Court against a person for an offence; and

(b) to any proceedings in the county court on an appeal by a person under Article 140 of the Magistrates' Courts (Northern Ireland) Order 1981;

and in this Article references to "A" are to the person concerned.

(2) The court may, on the application of A, give a live link direction if it is satisfied—

(a) that the conditions in paragraph (4) or paragraph (5) are met in relation to A when the application is made; and

(b) that it is in the interests of justice for A to give evidence through a live link.

(3) A live link direction is a direction that any oral evidence to be given before the court by A is to be given through a live link.

(4) The conditions in this paragraph are that—

(a) A has a physical disability or suffers from a physical disorder; and

(b) A's ability to participate effectively in the proceedings as a witness giving oral evidence in court is for that reason compromised.

(5) The conditions in this paragraph are—

(a) if A is aged under 18, that—

(i) A's ability to participate effectively in the proceedings as a witness giving oral evidence in court is compromised by A's level of intellectual ability or social functioning; and

(ii) use of a live link would enable A to participate more effectively in the proceedings as a witness (whether by improving the quality of A's evidence or otherwise);

(b) if A is aged 18 or over, that—

(i) A suffers from a mental disorder (within the meaning of the Mental Health (Northern Ireland) Order 1986) or otherwise has a significant impairment of intelligence and social function;

(ii) A is for that reason unable to participate effectively in the proceedings as a witness giving oral evidence in court; and

(iii) use of a live link would enable A to participate more effectively in the proceedings as a witness (whether by improving the quality of A's evidence or otherwise).

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) While a live link direction has effect A may not give oral evidence before the court in the proceedings otherwise than through a live link.

(7) The court may discharge a live link direction at any time before or during any hearing to which it applies if it appears to the court to be in the interests of justice to do so (but this does not affect the power to give a further live link direction in relation to A). The court may exercise this power of its own motion or on an application by a party.

(8) The court must state in open court its reasons for—

(a) giving or discharging a live link direction, or

(b) refusing an application for or for the discharge of a live link direction,

and, if it is a magistrates' court, it must cause those reasons to be entered in the Order Book.”.

PART 3

POLICING AND COMMUNITY SAFETY PARTNERSHIPS

Establishment of PCSPs and DPCSPs

Establishment of PCSPs and DPCSPs

20.—(1) Each district council shall establish for its district a body to be known as a policing and community safety partnership (a “PCSP”).

(2) The district council for Belfast shall establish for each police district established under section 20(2) of the Police (Northern Ireland) Act 2000 (c. 32) a body to be known as a district policing and community safety partnership (a “DPCSP”).

(3) Schedule 1 has effect in relation to a PCSP.

(4) Schedule 2 has effect in relation to a DPCSP.

(5) In this Part, in relation to a PCSP—

“the council” means the council by which it is established;

“the district” means the district of the council by which it is established;

“relevant district commander” means the district commander of any police district which is, or is included in, the district.

(6) In this Part, in relation to a DPCSP—

“the council” means the district council for Belfast;

“the police district” means the police district for which it is established;

“the principal PCSP” means the PCSP for the district of Belfast;

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"relevant district commander" means the district commander of the police district.

(7) In this Part—

"DPCSP" has the meaning given by subsection (2);

"PCSP" has the meaning given by subsection (1);

"the joint committee" means a joint committee formed for the purposes of this Part by the Department and the Policing Board and consisting of representatives of the Department and of the Policing Board;

"local policing plan" has the meaning given by section 22(1) of the Police (Northern Ireland) Act 2000 (c. 32);

"police district" has the meaning given by section 20 of the Police (Northern Ireland) Act 2000;

"the Policing Board" means the Northern Ireland Policing Board;

"policing committee"—

(a) in relation to a PCSP, means the committee established under paragraph 12 of Schedule 1;

(b) in relation to a DPCSP, means the committee established under paragraph 12 of Schedule 2;

"the policing plan" has the meaning given by section 26(1) of the Police (Northern Ireland) Act 2000;

"restricted functions"—

(a) in relation to a PCSP, has the meaning given by section 21(2)(a);

(b) in relation to a DPCSP, has the meaning given by section 22(2)(a).

Commencement Information

I17 S. 20 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Functions of PCSPs and DPCSPs

Functions of PCSP

21.—(1) The functions of a PCSP shall be—

(a) to provide views to a relevant district commander and to the Policing Board on any matter concerning the policing of the district;

(b) to monitor the performance of the police in carrying out—

(i) the policing plan in relation to the district; and

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(ii) the local policing plan applying to the district or any part of the district;

(c) to make arrangements for obtaining the co-operation of the public with the police in preventing crime and enhancing community safety in the district;

(d) to make arrangements for obtaining the views of the public about matters concerning the policing of the district and enhancing community safety in the district and to consider fully any views so obtained;

(e) to act as a general forum for discussion and consultation on matters affecting the policing of the district and enhancing community safety in the district;

(f) to prepare plans for reducing crime and enhancing community safety in the district;

(g) to identify targets or other indicators by reference to which it can assess the extent to which those issues are addressed by action taken in accordance with any such plans;

(h) to provide any such financial or other support as it considers appropriate to persons involved in ventures designed to reduce crime or enhance community safety in the district; and

(i) such other functions as are conferred on it by any other statutory provision.

(2) The functions of a PCSP mentioned in subsection (1)(a), (b) and (c)—

(a) are referred to in this Part as its "restricted functions"; and

(b) must be exercised, on behalf of the PCSP, by the policing committee of the PCSP.

(3) References in this section to enhancing community safety in any district are to making the district one in which it is, and is perceived to be, safer to live and work, in particular by the reduction of actual and perceived levels of crime and other anti-social behaviour.

(4) In exercising its functions, a PCSP shall have regard to the code of practice under section 23.

Commencement Information

I18 S. 21 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Functions of DPCSP

22.—(1) The functions of a DPCSP shall be—

(a) to provide views to the relevant district commander and to the principal PCSP on any matter concerning the policing of the police district;

(b) to monitor the performance of the police in carrying out—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(i) the policing plan in relation to the police district; and

(ii) the local policing plan applying to the police district;

(c) to make arrangements for obtaining the co-operation of the public with the police in preventing crime and enhancing community safety in the police district;

(d) to make arrangements for obtaining the views of the public about matters concerning the policing of the police district and enhancing community safety in the police district and to consider fully any views so obtained;

(e) to act as a general forum for discussion and consultation on matters affecting the policing of the police district and enhancing community safety in the police district;

(f) to prepare plans for reducing crime and enhancing community safety in the police district;

(g) to identify targets or other indicators by reference to which it can assess the extent to which those issues are addressed by action taken in accordance with any such plans;

(h) to provide any such financial or other support as it considers appropriate to persons involved in ventures designed to reduce crime or enhance community safety in the police district;

(i) such other functions as are conferred on it by any other statutory provision.

(2) The functions of a DPCSP mentioned in subsection (1)(a), (b) and (c)—

(a) are referred to in this Part as its “restricted functions”; and

(b) must be exercised, on behalf of the DPCSP, by the policing committee of the DPCSP.

(3) References in this section to enhancing community safety in a police district are to making the police district one in which it is, and is perceived to be, safer to live and work, in particular by the reduction of actual and perceived levels of crime and other anti-social behaviour.

(4) In exercising its functions, a DPCSP shall have regard to the code of practice under section 23.

(5) If the principal PCSP is satisfied that a DPCSP is carrying out any of the DPCSP's functions in relation to a police district, the PCSP is not required to carry out any corresponding function it has in relation to the part of its district comprising the police district.

(6) But subsection (5) does not prevent the principal PCSP exercising its functions in relation to the whole of the district where it appears to the principal PCSP to be necessary or appropriate to do so.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I19 S. 22 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Code of practice for PCSPs and DPCSPs

23.—(1) The joint committee shall issue, and may from time to time revise, a code of practice containing guidance as to the exercise by PCSPs and DPCSPs of their functions.

(2) Before issuing or revising a code of practice under this section the joint committee shall consult—

(a) district councils; and

(b) the Chief Constable.

(3) The code of practice under this section may in particular include provisions concerning—

(a) the procedures for meetings;

(b) the holding of public meetings;

(c) the arrangements for giving notice of meetings, and in particular for the giving of such notice to district commanders and to the public;

(d) the arrangements for the submission by or to a PCSP, a DPCSP or a policing committee of reports and other documents;

(e) the arrangements for enabling questions on the discharge by police officers of their functions in the district to be put by members of the policing committee for answer by the relevant district commander or a police officer nominated by that district commander for the purpose;

(f) the arrangements for the monitoring by the policing committee of the performance of the police in carrying out—

(i) the policing plan in relation to the district; and

(ii) the local policing plan applying to the district or any part of the district;

(g) the arrangements to be made under section 21(1)(c) and (d) and 22(1)(c) and (d);

(h) the arrangements for dealings with the Policing Board, the Department and the joint committee.

(4) The joint committee shall arrange for any code of practice issued or revised under this section to be published in such manner as appears to it to be appropriate.

(5) In its application to a DPCSP, this section has effect with the substitution for references to the district of references to the police district.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I20 S. 23 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Annual reports

Annual report by PCSP to council

24.—(1) A PCSP shall, not later than 3 months after the end of each financial year, submit to the council a general report on the exercise of its functions during that year.

(2) Subsection (1) does not apply to the PCSP for the district of Belfast (as to which see section 25).

(3) When a PCSP submits its report under subsection (1), it shall at the same time send a copy of the report to the joint committee.

(4) A report under subsection (1) shall include details of the arrangements made under section 21(1)(d).

(5) Before any report is submitted under this section, the policing committee of the PCSP shall consult the relevant district commander.

(6) The council shall arrange for a report submitted under subsection (1) to be published in such manner as appears to the council to be appropriate.

Commencement Information

I21 S. 24 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Annual report by Belfast PCSP to council

25.—(1) The PCSP for the district of Belfast shall, not later than 4 months after the end of each financial year, submit to the council a general report on the exercise during that year of—

(a) its functions; and

(b) the functions of the DPCSPs.

(2) When the PCSP submits its report under subsection (1) it shall at the same time—

(a) send to the council copies of the DPCSP reports for the year;

(b) send copies of its report and the DPCSP reports for the year to the joint committee.

(3) If the PCSP has made arrangements under section 21(1)(d) the report under subsection (1) shall include details of the arrangements.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Before any report is submitted under this section, the policing committee of the PSCP shall consult the district commander of each police district in the district of Belfast.

(5) The council shall arrange for a report submitted under subsection (1) to be published in such manner as appears to the council to be appropriate.

(6) The council may arrange for a DPCSP report to be published with the report submitted under subsection (1) if—

(a) the council considers publication of the DPCSP report to be appropriate, or

(b) the PCSP has requested the publication of the DPCSP report.

(7) A "DPCSP report" is a report submitted to the PCSP under section 26.

Commencement Information

I22 S. 25 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Annual report by DPCSPs to principal PCSP

26.—(1) A DPCSP shall, not later than 2 months after the end of each financial year, submit to the principal PCSP a general report on the exercise of its functions during that year.

(2) A report under subsection (1) shall include details of the arrangements made under section 22(1)(d).

(3) Before submitting any report under subsection (1), a DPCSP shall consult the relevant district commander.

Commencement Information

I23 S. 26 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Other reports by PCSPs and DPCSPs

Reports by PCSP to joint committee

27.—(1) A PCSP shall, whenever so required by the joint committee, submit to the joint committee a report on any such matter connected with the exercise of its functions as may be specified in the requirement.

(2) This section does not apply to the PCSP for Belfast (as to which see section 28).

(3) A report under this section shall be made—

(a) in such form as may be specified in the requirement under subsection (1); and

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) within the period of 3 months from the date on which that requirement is made, or within such longer period as may be agreed between the PCSP and the joint committee.

(4) The joint committee may arrange for a report under this section to be published in such manner as appears to the joint committee to be appropriate.

Commencement Information

I24 S. 27 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Reports by Belfast PCSP to joint committee

28.—(1) The PCSP for Belfast shall, whenever so required by the joint committee, submit to the joint committee a report on any matter which is specified in the requirement and is connected with the exercise of—

(a) its functions, or

(b) the functions of a DPCSP.

(2) A report under this section shall be made—

(a) in such form as may be specified in the requirement under subsection (1); and

(b) within the required period or such longer period as may be agreed between the PCSP and the joint committee.

(3) The required period is—

(a) 4 months from the date on which the requirement under subsection (1) is made, if the requirement relates wholly or in part to the functions of a DPCSP;

(b) 3 months from the date on which the requirement under subsection (1) is made, in any other case.

(4) When the PCSP submits its report under subsection (1) it shall at the same time send to the joint committee copies of any related DPCSP report.

(5) The joint committee may arrange for the publication, in such manner as appears to the joint committee to be appropriate, of—

(a) a report submitted under subsection (1);

(b) a related DPCSP report.

(6) A "DPCSP report" is a report submitted to the PCSP under section 29.

(7) A DPCSP report is related to a report submitted in pursuance of a requirement under subsection (1) if the PCSP imposed the requirement to submit the DPCSP report to enable it to comply with the requirement under subsection (1).

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I25 S. 28 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Reports by DPCSP to principal PCSP

29.—(1) A DPCSP shall, whenever so required by the principal PCSP, submit to the principal PCSP a report on any matter which is specified in the requirement and is connected with the exercise of the DPCSP's functions.

(2) A report under this section shall be made—

(a) in such form as may be specified in the requirement under subsection (1); and

(b) within the period of 2 months from the date on which that requirement is made, or within such longer period as may be agreed between the DPCSP and the principal PCSP.

(3) The principal PCSP may arrange for a report submitted under this section to be published in such manner as appears to the principal PCSP to be appropriate.

(4) Subsection (3) does not apply if the principal PCSP has imposed the requirement under subsection (1) to enable it to comply with a requirement imposed on it under section 28(1).

Commencement Information

I26 S. 29 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Policing committee reports

Reports by policing committees to Policing Board

30.—(1) The policing committee of a PCSP shall, whenever so required by the Policing Board, submit to the Policing Board a report on any such matter connected with the exercise of the restricted functions of the PCSP as may be specified in the requirement.

(2) This section does not apply to the policing committee of the PCSP for Belfast (as to which see section 31).

(3) A report under this section shall be made—

(a) in such form as may be specified in the requirement under subsection (1); and

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) within the period of 3 months from the date on which that requirement is made, or within such longer period as may be agreed between the policing committee and the Policing Board.

(4) The Policing Board may arrange for a report under this section to be published in such manner as appears to the Policing Board to be appropriate.

Commencement Information

I27 S. 30 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Reports by policing committee of Belfast PCSP to Policing Board

31.—(1) The policing committee of the PCSP for the district of Belfast shall, whenever so required by the Policing Board, submit to the Policing Board a report on any matter which is specified in the requirement and is connected with the exercise of—

(a) the restricted functions of the PCSP, or

(b) the restricted functions of a DPCSP.

(2) A report under this section shall be made—

(a) in such form as may be specified in the requirement under subsection (1); and

(b) within the required period or such longer period as may be agreed between the policing committee and the Policing Board.

(3) The required period is—

(a) 4 months from the date on which the requirement under subsection (1) is made, if the requirement relates wholly or in part to the restricted functions of a DPCSP;

(b) 3 months from the date on which the requirement under subsection (1) is made, in any other case.

(4) When the policing committee submits its report under subsection (1) it shall at the same time send to the Policing Board copies of any related DPCSP policing committee report.

(5) The Policing Board may arrange for the publication, in such manner as appears to the Policing Board to be appropriate, of—

(a) a report submitted under subsection (1);

(b) a related DPCSP policing committee report.

(6) A "DPCSP policing committee report" is a report submitted to the policing committee of the PCSP under section 32.

(7) A DPCSP policing committee report is related to a report submitted in pursuance of a requirement under subsection (1) if the policing committee of the

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PCSP imposed the requirement to submit the DPCSP policing committee report to enable it to comply with the requirement under subsection (1).

Commencement Information

I28 S. 31 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Reports by policing committee of DPCSP to policing committee of principal PCSP

32.—(1) The policing committee of a DPCSP shall, whenever so required by the policing committee of the principal PCSP, submit to the policing committee of the principal PCSP a report on any matter which is specified in the requirement and is connected with the exercise of the restricted functions of the DPCSP.

(2) A report under this section shall be made—

(a) in such form as may be specified in the requirement under subsection (1); and

(b) within the period of 2 months from the date on which that requirement is made, or within such longer period as may be agreed between the policing committee of the DPCSP and the policing committee of the principal PCSP.

(3) The policing committee of the principal PCSP may arrange for a report submitted under this section to be published in such manner as appears to the policing committee to be appropriate.

(4) Subsection (3) does not apply if the policing committee of the principal PCSP has imposed the requirement under subsection (1) to enable it to comply with a requirement imposed on it under section 31(1).

Commencement Information

I29 S. 32 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Miscellaneous

Other community policing arrangements

33.—(1) The policing committee of a PCSP or a DPCSP may, with the approval of the Policing Board, make arrangements to facilitate consultation by the police with any local community within the district of the PCSP or (as the case may be) the police district of the DPCSP.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) Where it appears to the Policing Board that a policing committee has not made satisfactory arrangements under subsection (1) in relation to any local community, the Policing Board may, after consultation with the policing committee, make arrangements to facilitate consultation by the police with that community.

(3) Arrangements made under subsection (1) or (2) may include the establishment of bodies.

(4) The Policing Board may defray the reasonable expenses of any body established by virtue of subsection (3).

(5) Before making any arrangements under this section a policing committee or the Policing Board shall consult the Chief Constable as to the arrangements that would be appropriate.

Commencement Information

I30 S. 33 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Functions of joint committee and Policing Board

34.—(1) The joint committee must—

(a) assess the level of public satisfaction with the performance of PCSPs and DPCSPs;

(b) assess the effectiveness of PCSPs and DPCSPs in performing their functions (other than restricted functions) and in particular, the effectiveness of the arrangements made under section 21(1)(d) or 22(1)(d).

(2) The Policing Board must—

(a) assess the level of public satisfaction with the performance of policing committees of PCSPs and DPCSPs;

(b) assess the effectiveness of policing committees of PCSPs and DPCSPs in performing the restricted functions of PCSPs and DPCSPs.

Commencement Information

I31 S. 34 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART 4

SPORT

CHAPTER 1

REGULATED MATCHES

Regulated matches

35.—(1) In this Part references to a regulated match are references—

(a) in Chapter 2, to a match to which paragraph 2, 3, 6 or 8 of Schedule 3 applies;

(b) in Chapter 3, to a match to which paragraph 2, 3, 4, 6, 7, 8 or 9 of that Schedule applies;

(c) in Chapter 4, to a match to which paragraph 2, 3, 4 or 5 of that Schedule applies and which is played in Northern Ireland;

(d) in Chapter 5, to a match to which any of the paragraphs of that Schedule applies.

(2) References in this Part to the period of a regulated match are references to the period—

(a) beginning one hour before the start of the match or (if earlier) one hour before the time at which it is advertised to start; and

(b) ending 30 minutes after the end of the match.

(3) But—

(a) where a match advertised to start at a particular time on a particular day is postponed to a later day, the period includes the period in the day on which it is advertised to take place beginning one hour before and ending 30 minutes after that time; and

(b) where a match advertised to start at a particular time on a particular day does not take place, the period is the period referred to in paragraph (a).

(4) The Department may by order amend Schedule 3.

Commencement Information

I32 S. 35 wholly in operation at 1.1.2012; s. 35 not in operation at Royal Assent see s. 111(3); s. 35 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; s. 35 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I33 S. 35 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

CHAPTER 2

CONDUCT AT REGULATED MATCHES

Throwing of articles capable of causing injury

36.—(1) It is an offence for a person at any time during the period of a regulated match to throw any article to which this subsection applies at or towards—

(a) the playing area, or any area adjacent to the playing area to which spectators are not generally admitted, or

(b) any area in which spectators or other persons are or may be present,

without lawful authority or lawful excuse (which shall be for that person to prove).

(2) Subsection (1) applies to any article capable of causing injury to a person struck by it.

(3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Chanting

37.—(1) It is an offence for a person at any time during the period of a regulated match to engage or take part in chanting falling within subsection (3).

(2) For this purpose "chanting" means the repeated uttering of any words or sounds (whether alone or in concert with one or more others).

(3) Chanting falls within this subsection if—

(a) it is of an indecent nature;

(b) it is of a sectarian or indecent nature; or

(c) it consists of or includes matter which is threatening, abusive or insulting to a person by reason of that person's colour, race, nationality (including citizenship), ethnic or national origins, religious belief, sexual orientation or disability.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Going onto the playing area

38.—(1) It is an offence for a person at any time during the period of a regulated match to go onto the playing area, or any area adjacent to the playing area to which spectators are not generally admitted, without lawful authority or lawful excuse (which shall be for that person to prove).

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Possession of fireworks, flares, etc.

39.—(1) A person ("P") is guilty of an offence if P has an article or substance to which this section applies in P's possession—

(a) at any time during the period of a regulated match when P is in any area of the ground from which the match may be directly viewed, or

(b) while entering or trying to enter the ground at any time during the period of a regulated match at the ground.

(2) It is a defence for P to prove that P had possession with lawful authority.

(3) This section applies to any article—

(a) which is a firework; or

(b) which is an article or substance whose main purpose is the emission of a flare for purposes of illuminating or signalling (as opposed to igniting or heating) or the emission of smoke or a visible gas;

and in particular it applies to distress flares, fog signals, and pellets and capsules intended to be used as fumigators or for testing pipes, but not to matches, cigarette lighters or heaters.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

CHAPTER 3

ALCOHOL ON VEHICLES TRAVELLING TO REGULATED MATCHES

Offences in connection with alcohol on vehicles

40.—(1) This section applies to a motor vehicle which—

(a) is adapted to carry 9 or more passengers, and

(b) is being used for the principal purpose of carrying passengers for reward for the whole or part of a journey to a regulated match.

(2) A person ("P") who knowingly causes or permits intoxicating liquor to be carried on a vehicle to which this section applies is guilty of an offence—

(a) if P is the operator of the vehicle or the servant or agent of the operator, or

(b) if the vehicle is a hired vehicle and P is the person to whom it is hired or the servant or agent of that person.

(3) The operator of a vehicle is—

(a) the driver, if the driver owns the vehicle; and

(b) in any other case, the person for whom the driver works (whether under a contract of employment or any other description of contract personally to do work).

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) A person who is in possession of intoxicating liquor while on a vehicle to which this section applies is guilty of an offence.

(5) A person guilty of an offence under this section is liable on summary conviction—

(a) in the case of an offence under subsection (2), to a fine not exceeding level 4 on the standard scale,

(b) in the case of an offence under subsection (4), to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(6) A constable may stop a motor vehicle to which this section applies and may search such a vehicle if the constable has reasonable grounds to suspect that an offence under this section is being or has been committed in respect of the vehicle.

(7) In this section—

"intoxicating liquor" has the meaning given by Article 2(2) of the Licensing (Northern Ireland) Order 1996 (NI 22);

"motor vehicle" has the meaning given by Article 3 of the Road Traffic (Northern Ireland) Order 1995 (NI 18).

(8) The Department may by order amend subsection (1).

(9) An order under subsection (8)—

(a) may make such consequential amendments to this section as appear to the Department to be necessary or expedient;

(b) shall not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

CHAPTER 4

BANNING ORDERS IN RELATION TO REGULATED MATCHES

Banning orders: making on conviction

41.—(1) This section applies where a person (the "offender") is convicted of an offence by or before a court.

(2) If the court is satisfied that—

(a) the offence is one to which subsection (4) applies; and

(b) there are reasonable grounds to believe that making a banning order would help to prevent violence or disorder at or in connection with any regulated matches,

it must make such an order in respect of the offender.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) If the court is satisfied that the offence is one to which subsection (4) applies but is not satisfied as mentioned in subsection (2)(b), it must in open court state that fact and give its reasons.

(4) This subsection applies to an offence if—

(a) the offence involved the person who committed it engaging in violence or disorder; and

(b) the offence was committed—

(i) at a regulated match or while the person committing it was entering or leaving (or trying to enter or leave) the ground;

(ii) on a journey to or from a regulated match; or

(iii) otherwise, where it appears to the court from all the circumstances that the offence was motivated (wholly or partly) by a regulated match.

(5) For the purposes of subsection (4)(b)(ii)—

(a) a person may be regarded as having been on a journey to or from a match whether or not the person attended or intended to attend the match; and

(b) a person's journey includes breaks (including overnight breaks).

(6) For the purpose of deciding whether to make a banning order the court may consider evidence led by the prosecution and the defence.

(7) It is immaterial whether evidence led in pursuance of subsection (6) would have been admissible in the proceedings in which the offender was convicted.

(8) A banning order may only be made—

(a) in addition to a sentence imposed in respect of the offence to which subsection (4) applies, or

(b) in addition to an order discharging the offender conditionally.

(9) A banning order may be made as mentioned in subsection (8)(b) in spite of anything in Articles 4 and 5 of the Criminal Justice (Northern Ireland) Order 1996 (NI 24) (which relate to orders discharging a person absolutely or conditionally and their effect).

(10) A banning order under this section is to be taken to be a sentence for the purposes of any statutory provision conferring a right of appeal against a sentence.

Commencement Information

I34 S. 41 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(d)**

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Banning orders: content

42.—(1) In this Chapter "banning order" means an order made by a court which prohibits the person who is subject to the order ("P") from entering any premises for the purpose of attending regulated matches.

(2) On making a banning order, a court must in ordinary language explain its effect to P.

(3) A banning order must require P to report at a police station specified in the order within the period of 5 days beginning with the day on which the order is made.

(4) A banning order must require P to give notification of the events mentioned in subsection (5) to the Chief Constable.

(5) The events are—

(a) a change of any of P's names;

(b) the first use by P after the making of the order of a name for P that was not disclosed by P at the time of the making of the order;

(c) a change of P's home address;

(d) P's acquisition of a temporary address;

(e) a change of P's temporary address or P's ceasing to have one;

(f) an appeal made by P in relation to the order;

(g) an application made by P under section 47(1) for termination of the order.

(6) A notification required by a banning order by virtue of subsection (4) must be given before the end of the period of 7 days beginning with the day on which the event in question occurs and—

(a) in the case of a change of a name or address or the acquisition of a temporary address, must specify the new name or address; and

(b) in the case of a first use of a previously undisclosed name, must specify that name.

(7) Where P is detained in legal custody the requirement under subsection (3) to report at a police station is suspended until P's release from custody.

(8) If—

(a) P is released from custody more than 5 days before the expiry of the period for which the order has effect, and

(b) P was precluded by being in custody from reporting under subsection (3),

the order is to have effect as if it required P to report at the police station specified in the order within the period of 5 days beginning with the date of P's release.

(9) In this section—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"home address", in relation to P, means the address of P's sole or main residence;

"temporary address", in relation to P, means the address (other than P's home address) of a place at which P intends to reside, or has resided, for a period of at least 4 weeks.

Commencement Information

I35 S. 42 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(d)**

Banning orders: supplementary

43.—(1) The court may adjourn any proceedings under section 41 in relation to a banning order even after sentencing the offender.

(2) If the offender does not appear for any adjourned proceedings, the court may further adjourn the proceedings or may issue a warrant for the offender's arrest.

(3) If the court adjourns or further adjourns any proceedings under subsection (1) or (2), the court may remand the offender.

(4) A person who, by virtue of subsection (3), is remanded on bail may be required by the conditions of bail not to leave Northern Ireland before appearing before the court.

(5) The court may not issue a warrant under subsection (2) for the offender's arrest unless it is satisfied that the offender has had adequate notice of the time and place of the adjourned proceedings.

(6) The prosecution has a right of appeal against a failure by the court to make a banning order—

(a) where the failure is by a magistrates' court, to the county court; and

(b) where it is by the Crown Court, to the Court of Appeal.

(7) An appeal under subsection (6)(b) may be brought only if the Court of Appeal gives leave or the judge who decided not to make an order grants a certificate that the decision is fit for appeal.

(8) A banning order made on appeal under this section is to be treated for the purposes of this Chapter as if it were an order of the court from which the appeal was brought.

Commencement Information

I36 S. 43 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(d)**

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Banning orders: "violence" and "disorder"

44.—(1) In this Chapter "violence" means violence against persons or property and includes threatening violence and doing anything which endangers the life of any person.

(2) In this Chapter "disorder" includes—

(a) stirring up sectarian hatred or hatred against a group of persons defined by reference to colour, race, nationality (including citizenship), ethnic or national origins, religious belief, sexual orientation or disability or against an individual as a member of such a group,

(b) using threatening, abusive or insulting words or behaviour or disorderly behaviour,

(c) displaying any writing or other thing which is threatening, abusive or insulting.

(3) In this Chapter "violence" and "disorder" are not limited to violence or disorder in connection with a regulated match.

Commencement Information

I37 S. 44 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(d)**

Banning orders: duration

45.—(1) Subject to the following provisions of this Chapter, a banning order has effect for a period specified in the order beginning with the day on which the order is made.

(2) The period must not be longer than the maximum or shorter than the minimum.

(3) Where the order is made in addition to a sentence of imprisonment taking immediate effect, the maximum is 10 years and the minimum is 6 years; and in this subsection "imprisonment" includes any form of detention.

(4) In any other case, the maximum is 5 years and the minimum is 3 years.

Commencement Information

I38 S. 45 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(d)**

Banning orders: additional requirements

46.—(1) A banning order may, if the court making the order thinks fit, impose additional requirements on the person subject to the order in relation to any regulated matches.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) The court by which a banning order was made may, on an application made by—

(a) the person subject to the order, or

(b) the person who was the prosecutor in relation to the order,

vary the order so as to impose, replace or omit any such requirements.

(3) In the case of a banning order made by a magistrates' court, the reference in subsection (2) to the court by which it was made includes a reference to any magistrates' court acting for the same county court division as that court.

Commencement Information

I39 S. 46 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(d)**

Termination of banning orders

47.—(1) If a banning order has had effect for at least two-thirds of the period determined under section 45, the person subject to the order may apply to the court by which it was made to terminate it.

(2) On the application, the court may by order terminate the banning order as from a specified date or refuse the application.

(3) In exercising its powers under subsection (2), the court must have regard to—

(a) the person's character,

(b) the conduct of that person since the banning order was made,

(c) the nature of the offence which led to it, and

(d) any other circumstances which appear to it to be relevant.

(4) Where an application under subsection (1) in respect of a banning order is refused, no further application in respect of the order may be made within the period of 6 months beginning with the day of the refusal.

(5) The court may order the applicant to pay all or any part of the costs of an application under this section.

(6) In the case of a banning order made by a magistrates' court, the reference in subsection (1) to the court by which it was made includes a reference to any magistrates' court acting for the same county court division as that court.

Commencement Information

I40 S. 47 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(d)**

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Information about banning orders

48.—(1) Where a court makes a banning order the appropriate officer of the court—

(a) shall give a copy of it to the person to whom it relates ("P");

(b) shall (as soon as reasonably practicable) send a copy of it to the Chief Constable and to any prescribed person;

(c) shall (as soon as reasonably practicable) send a copy of it to the police station (addressed to the officer responsible for the police station) at which P is to report under section 42(3); and

(d) in a case where P is detained in legal custody, shall (as soon as reasonably practicable) send a copy of it to the person in whose custody P is detained.

(2) Where a court terminates a banning order under section 47, the appropriate officer of the court—

(a) shall give a copy of the terminating order to P;

(b) shall (as soon as reasonably practicable) send a copy of it to the Chief Constable and to any prescribed person; and

(c) in a case where P is detained in legal custody, shall (as soon as reasonably practicable) send a copy of the terminating order to the person in whose custody P is detained.

(3) Where P is released from custody and, in a case where P has not reported under section 42(3) to a police station, is released more than 5 days before the expiry of the banning order, the person in whose custody P is shall (as soon as reasonably practicable) give notice of P's release to the Chief Constable.

(4) In this section—

"the appropriate officer"—

(a) in relation to a magistrates' court, means the clerk of petty sessions;

(b) in relation to the Crown Court, means the chief clerk;

"prescribed" means prescribed by order made by the Department.

Commencement Information

I41 S. 48 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(d)**

Failure to comply with banning order

49.—(1) A person subject to a banning order who fails to comply with any requirement imposed by the order is guilty of an offence.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 6 months, or a fine not exceeding level 5 on the standard scale, or to both.

Commencement Information

I42 S. 49 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(d)**

CHAPTER 5

ENFORCEMENT

Powers of enforcement

50.—(1) A constable may, at any time during the period of a regulated match at any ground, enter any part of the ground for the purpose of enforcing the provisions of this Part.

(2) If a constable has reasonable grounds to suspect a person is committing or has committed an offence under this Part, the constable may search that person.

Commencement Information

I43 S. 50 wholly in operation at 1.1.2012; s. 50 not in operation at Royal Assent see s. 111(3); s. 50 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(d)**; s. 50 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(e)**

I44 S. 50 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(e)**

PART 5

TREATMENT OF OFFENDERS

Increase in maximum term of imprisonment for common assault or battery

51.—(1) The Offences against the Person Act 1861 (c. 100) is amended as follows.

(2) In section 42 (common assault or battery) for "three months" substitute " 6 months ".

(3) Section 43 (aggravated assault) is repealed.

Penalty for certain knife offences

52 In section 139A of the Criminal Justice Act 1988 (c. 33) (having knife etc. on school premises) for subsections (5) and (6) substitute—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(5) A person guilty of an offence under subsection (1) or (2) shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, or to a fine, or to both.

(6) In this section and section 139B "school premises" means land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and "school" has the meaning given by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986.".

Extension of maximum period of deferment of sentence

53.—(1) Article 3 of the Criminal Justice (Northern Ireland) Order 1996 (NI 24) (deferment of sentence) is amended as follows.

(2) In paragraph (2) (deferment not to exceed 6 months) for "6 months" substitute " the relevant period ".

(3) After paragraph (2) insert—

"(2A) In paragraph (2) "the relevant period" means—

(a) if the court makes an order under Article 28(1) of the Road Traffic Offenders (Northern Ireland) Order 1996 in respect of the offender, 6 months;

(b) in any other case, 12 months.".

Breach of licence conditions by sex offenders

54 In Article 27 of the Criminal Justice (Northern Ireland) Order 1996 (NI 24) (breach of licence conditions by sex offenders) after paragraph (9) insert—

"(10) Paragraph (11) applies if—

(a) an offender released on licence in pursuance of an order under Article 26(1)(b) is not resident in Northern Ireland; or

(b) it is not known where the offender resides.

(11) Where this paragraph applies—

(a) the reference in paragraph (2) to a magistrates' court acting for the petty sessions district in which the offender resides is to be read as a reference to any magistrates' court in Northern Ireland;

(b) the reference in paragraph (9)(b) to a court of summary jurisdiction acting for the petty sessions district in which the offender resides

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

is to be read as a reference to the court of summary jurisdiction which made the order.”.

PROSPECTIVE

Sexual offences: closure orders

55.—(1) Part 2A of the Sexual Offences Act 2003 (c. 42) (closure orders) is amended as follows.

(2) In section 136J(5) (discharge of closure order) for “judicial authority” substitute “ judicial officer ”.

(3) In section 136R (interpretation) at the end insert—

“(15) In the application of this Part to Northern Ireland for any reference to a magistrates' court there shall be substituted a reference to a court of summary jurisdiction.”.

Financial reporting orders

56.—(1) After section 78(3)(aa) of the Serious Organised Crime and Police Act 2005 (c. 15) (offences giving rise to the power to make a financial reporting order) add—

“(ab) a common law offence of conspiracy to defraud,

(ac) an offence under section 17 of the Theft Act (Northern Ireland) 1969 (false accounting),”.

(2) After section 78(3)(c) of the Serious Organised Crime and Police Act 2005 add—

“(d) an offence under any of the following provisions of the Bribery Act 2010—

section 1 (offences of bribing another person),

section 2 (offences relating to being bribed),

section 6 (bribery of foreign public officials),

(e) a common law offence of bribery,

(f) an offence under section 1 of the Public Bodies Corrupt Practices Act 1889 (corruption in office),

(g) the first two offences under section 1 of the Prevention of Corruption Act 1906 (bribes obtained by or given to agents),

(h) an offence under any of the following provisions of the Proceeds of Crime (Northern Ireland) Order 1996—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Article 45 (acquisition, possession or use of proceeds of criminal conduct),

Article 46 (assisting another to retain the benefit of criminal conduct),

Article 47 (concealing or transferring proceeds of criminal conduct),

(i) an offence under section 329 of the Proceeds of Crime Act 2002 (acquisition, use and possession of criminal property),

(j) an offence of attempting, conspiring in or inciting the commission of an offence mentioned in paragraphs (aa), (ac) or (d) to (i), or an offence under Part 2 of the Serious Crime Act 2007 in relation to such an offence,

(k) an offence of aiding, abetting, counselling or procuring the commission of an offence mentioned in paragraphs (aa), (ac) or (d) to (i).”.

Dangerous offenders: serious and specified offences

57.—(1) The paragraph set out in subsection (2) is inserted—

(a) in Schedule 1 to the Criminal Justice (Northern Ireland) Order 2008 (NI 1) (serious offences) after paragraph 15; and

(b) in Schedule 2 to that Order (specified offences) after paragraph 15.

(2) The paragraph is—

“**The Criminal Jurisdiction Act 1975 (c. 59)**

15A An offence under section 2 (hi-jacking of vehicles or ships).”.

PROSPECTIVE

Supervised activity order in respect of certain financial penalties

[F2]58 . . . . . .

Textual Amendments

F2 S. 58 (never in operation) repealed (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), **ss. 29(11)**, 61(2) (with s. 29(12)); S.R. 2018/99, art. 2(a)

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART 6

ALTERNATIVES TO PROSECUTION

CHAPTER 1

PENALTY NOTICES

Penalty offences and penalties

Penalty offences and penalties

59.—(1) For the purposes of this Chapter—

(a) "penalty offence" means an offence described in the first column of Schedule 4;

(b) the penalty payable in respect of a penalty offence is the amount specified in relation to that offence in the second column of that Schedule plus the amount of the offender levy determined under section 6.

(2) The Department may by order amend an entry in either column of Schedule 4 or add or remove an entry.

(3) But an order under subsection (2) may not provide for the penalty payable in respect of a penalty offence to be an amount which is more than a quarter of the amount of the maximum fine for which a person is liable on summary conviction of the offence.

(4) An order under subsection (2) may make such amendment of any provision of this Chapter as the Department considers appropriate in consequence of any change in Schedule 4 made by the order.

(5) No order shall be made under subsection (2) unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

Commencement Information

I45 S. 59 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(m)**

Penalty notices

Penalty notices

60.—(1) A police officer who has reason to believe that a person over the age of 18 has committed a penalty offence may give that person a penalty notice in respect of the offence.

(2) Unless the notice is given in a police station, the police officer giving it must be in uniform.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In this Chapter "penalty notice" means a notice offering the opportunity, by paying a penalty in accordance with this Chapter, to discharge any liability to be convicted of the offence to which the notice relates.

Commencement Information

I46 S. 60 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(m)**

Form of penalty notice

61 A penalty notice must—

(a) state the alleged offence;

(b) give such particulars of the circumstances alleged to constitute the offence as are necessary to provide reasonable information about it;

(c) specify the suspended enforcement period (as to which see section 63) and explain its effect;

(d) state the amount of the penalty;

(e) state the fixed penalty clerk to whom, and the address at which, the penalty may be paid; and

(f) inform the person to whom it is given of the right to ask to be tried for the alleged offence and explain how that right may be exercised.

Commencement Information

I47 S. 61 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(m)**

Effect of penalty notice

62.—(1) This section applies if a penalty notice is given to a person ("A") under section 60.

(2) If A asks to be tried for the alleged offence, proceedings may be brought against A.

(3) Such a request must be made by a notice given by A—

(a) in the manner specified in the penalty notice; and

(b) before the end of the suspended enforcement period (as to which see section 63).

(4) A request which is made in accordance with subsection (3) is referred to in this Chapter as a "request to be tried".

(5) If, by the end of the suspended enforcement period—

(a) the penalty has not been paid in accordance with this Chapter, and

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) A has not made a request to be tried,

a sum equal to one and a half times the amount of the penalty may be registered under section 67 for enforcement against A as a fine.

Commencement Information

I48 S. 62 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(m)**

General restriction on prosecution

63.—(1) Proceedings for the offence to which a penalty notice relates may not be brought until the end of the period of 28 days beginning with the date on which the notice was given ("the suspended enforcement period").

(2) If the penalty is paid before the end of the suspended enforcement period, no proceedings may be brought for the offence.

(3) Subsection (1) does not apply if the person to whom the penalty notice was given has made a request to be tried.

Commencement Information

I49 S. 63 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(m)**

Guidance

64 The Department may issue guidance—

(a) about the exercise of the discretion given to police officers by this Chapter;

(b) about the issuing of penalty notices;

(c) with a view to encouraging good practice in connection with the operation of provisions of this Chapter.

Commencement Information

I50 S. 64 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(m)**

Procedure

Payment of penalty

65.—(1) Payment of a penalty under this Chapter must be made to, or at the office of, the fixed penalty clerk specified in the penalty notice relating to that penalty.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) Without prejudice to payment by any other method, payment of a penalty under this Chapter may be made by properly addressing, pre-paying and posting a letter containing the penalty notice and the amount of the penalty and, unless the contrary is proved, shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(3) A letter is properly addressed for the purposes of subsection (2) if it is addressed to the fixed penalty clerk specified in the penalty notice relating to the penalty as the address at which the penalty may be paid.

(4) Sums paid by way of a penalty for an offence shall be treated as if they were fines imposed on summary conviction of that offence.

(5) In this Chapter the "fixed penalty clerk" means—

(a) the clerk of petty sessions; or

(b) such other person as the Department may by order direct.

Commencement Information

I51 S. 65 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(m)**

Registration certificates

66.—(1) This section and section 67 apply where by virtue of section 62(5) a sum determined by reference to the penalty for any offence may be registered under section 67 for enforcement against any person as a fine.

(2) In this section and section 67—

(a) that sum is referred to as a "sum payable in default", and

(b) the person against whom that sum may be so registered is referred to as the "defaulter".

(3) The Chief Constable—

(a) may in respect of any sum payable in default issue a certificate (a "registration certificate") stating that the sum is registrable under section 67 for enforcement against the defaulter as a fine; and

(b) must cause any certificate so issued to be sent to the fixed penalty clerk.

(4) The Chief Constable may authorise a person to carry out the functions of the Chief Constable under subsection (3).

(5) A registration certificate must—

(a) give particulars of the offence to which the penalty notice relates; and

(b) state the name and last known address of the defaulter and the amount of the sum payable in default.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I52 S. 66 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(m)**

Registration of penalty

67.—(1) Where the fixed penalty clerk receives a registration certificate in respect of any sum payable in default, the clerk must register that sum for enforcement as a fine by entering it in the Order Book of a court of summary jurisdiction.

(2) On registering any sum under this section for enforcement as a fine, the fixed penalty clerk must give to the defaulter notice of registration—

(a) specifying the amount of that sum and requiring payment of it by such date, not less than 21 days from the date of registration, as may be specified in the notice; and

(b) giving the information with respect to the offence included in the registration certificate by virtue of section 66(5)(a).

(3) On the registration of any sum in the Order Book of a court of summary jurisdiction by virtue of this section, any statutory provision referring (in whatever terms) to a fine imposed or a sum adjudged to be paid by a conviction of such a court shall, subject to regulations made under subsection (4), have effect in the case in question as if the sum so registered were a fine imposed by that court on the conviction of the defaulter on the date of the registration.

(4) The Department may make such regulations with respect to the enforcement of payment of sums registered under this section as it considers appropriate.

(5) Regulations under subsection (4) may in particular—

(a) modify the provisions of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) relating to the satisfaction and enforcement of sums adjudged to be paid by a conviction, as they have effect by virtue of subsection (3) in relation to sums registered under this section; and

(b) make such incidental, supplemental or consequential provision (including provision to modify a statutory provision) as appears to the Department to be expedient.

(6) In subsection (5) “modify” includes the making of additions, omissions, exceptions and amendments.

Commencement Information

I53 S. 67 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(m)**

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Challenge to notice

68.—(1) This section applies where—

(a) a person who has received notice of the registration of a sum under section 67 for enforcement against that person as a fine makes a statutory declaration to the effect mentioned in subsection (2), and

(b) that declaration is, within 21 days of the date on which the person making it received notice of the registration, served on the fixed penalty clerk.

(2) The statutory declaration must state—

(a) that the person making the declaration was not the person to whom the relevant penalty notice was given, or

(b) that the person gave notice requesting to be tried in respect of the alleged offence as permitted by the penalty notice before the end of the suspended enforcement period.

(3) In any case within subsection (2)(a), the relevant penalty notice, the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void.

(4) In any case within subsection (2)(b)—

(a) the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void, and

(b) the case shall be treated after the declaration is served as if the person making the declaration had given notice requesting to be tried in respect of the alleged offence as stated in the declaration.

(5) References in this section to the relevant penalty notice are to the penalty notice relating to the penalty concerned.

(6) In any case within subsection (2)(b), Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) (limitation of time) shall have effect as if for the reference to the time when the offence was committed there were substituted a reference to the date of the statutory declaration made for the purposes of subsection (1).

(7) Subsection (8) applies where, on the application of a person who has received notice of the registration of a sum under section 67 for enforcement against that person as a fine, it appears to a court of summary jurisdiction that it was not reasonable to expect that person to serve, within 21 days of the date on which that person received the notice, a statutory declaration to the effect mentioned in subsection (2).

(8) The court may accept service of such a declaration by that person after that period has expired; and a statutory declaration so accepted shall be taken to have been served as required by subsection (1).

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(9) In this section references to proceedings for enforcing payment of the sum registered are references to any process issued or other proceedings taken for or in connection with enforcing payment of that sum.

(10) For the purposes of this section, a person shall be taken to receive notice of the registration of a sum under section 67 for enforcement against that person as a fine when that person receives notice either of the registration as such or of any proceedings for enforcing payment of the sum registered.

(11) Nothing in this section is to be read as prejudicing any rights a person may otherwise have by virtue of the invalidity of any action purportedly taken under this Chapter which is not in fact authorised by this Chapter in the circumstances of the case.

(12) Accordingly, references in this section to the registration of any sum or to any other action taken under this Chapter are not to be read as implying that the registration or action was validly made or taken in accordance with that provision.

Commencement Information

I54 S. 68 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(m)**

Setting aside of sum enforceable under section 67

69.—(1) A court of summary jurisdiction may, in the interests of justice, set aside a sum enforceable as a fine as a result of section 67.

(2) Where a court sets aside such a sum, it must give a direction that either—

(a) no further action is to be taken in respect of the alleged offence that gave rise to the penalty notice concerned; or

(b) that the case is to be treated as if the person concerned had given notice requesting to be tried in respect of the offence.

(3) Where a court gives a direction under subsection (2)(a), the penalty notice concerned, the registration and any proceedings taken for enforcing payment of the sum registered shall be void.

(4) Where a court gives a direction under subsection (2)(b)—

(a) the registration and any proceedings taken for enforcing payment of the sum registered shall be void; and

(b) Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) (limitation of time) shall have effect as if for the reference to the time when the offence was committed there were substituted a reference to the date of the setting aside.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) In this section references to proceedings for enforcing payment of the sum registered are references to any process issued or other proceedings taken for or in connection with enforcing payment of that sum.

Commencement Information

I55 S. 69 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(m)**

Interpretation

Interpretation of this Chapter

70 In this Chapter—

"defaulter" has the meaning given in section 66(2);

"fixed penalty clerk" has the meaning given by section 65(5);

"penalty notice" has the meaning given in section 60(3);

"penalty offence" has the meaning given in section 59(1);

"registration certificate" has the meaning given in section 66(3);

"request to be tried" has the meaning given by section 62(4);

"sum payable in default" has the meaning given by section 66(2);

"suspended enforcement period" has the meaning given by section 63(1).

Commencement Information

I56 S. 70 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(m)**

PROSPECTIVE

CHAPTER 2

CONDITIONAL CAUTIONS

Conditional cautions

71.—(1) An authorised person may give a conditional caution to a person aged 18 or over ("the offender") if each of the five requirements in section 72 is satisfied.

(2) In this Chapter "conditional caution" means a caution which is given in respect of an offence committed by the offender and which has conditions attached to it with which the offender must comply.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) The conditions which may be attached to such a caution are those which have either or both of the following objects—

(a) facilitating the rehabilitation of the offender,

(b) ensuring that the offender makes reparation for the offence.

(4) In this Chapter "authorised person" means—

(a) a police officer, or

(b) a person authorised by the Director of Public Prosecutions for Northern Ireland for the purposes of this section.

The five requirements

72.—(1) The first requirement is that the authorised person has evidence that the offender has committed an offence, other than an offence triable only on indictment.

(2) The second requirement is that a Public Prosecutor decides—

(a) that there is sufficient evidence to charge the offender with the offence, and

(b) that a conditional caution should be given to the offender in respect of the offence.

(3) The third requirement is that the offender admits to the authorised person that the offender committed the offence.

(4) The fourth requirement is that the authorised person explains the effect of the conditional caution to the offender and warns the offender that failure to comply with any of the conditions attached to the caution may result in the offender's being prosecuted for the offence.

(5) The fifth requirement is that the offender signs a document which contains—

(a) details of the offence,

(b) an admission by the offender that the offender committed the offence,

(c) the consent of the offender to being given the conditional caution, and

(d) the conditions attached to the caution.

Variation of conditions

73 A Public Prosecutor may, with the consent of the offender, vary the conditions attached to a conditional caution by—

(a) modifying or omitting any of the conditions;

(b) adding a condition.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Failure to comply with conditions

74.—(1) If the offender fails, without reasonable excuse, to comply with any of the conditions attached to the conditional caution, criminal proceedings may be instituted against the offender for the offence in question.

(2) The document mentioned in section 72(5) is to be admissible in such proceedings.

(3) Where such proceedings are instituted, the conditional caution is to cease to have effect.

Arrest for failure to comply

75.—(1) If a constable has reasonable grounds for believing that the offender has failed, without reasonable excuse, to comply with any of the conditions attached to the conditional caution, the constable may arrest the offender without warrant.

(2) A person arrested under this section must be—

(a) charged with the offence in question,

(b) released without charge and on bail to enable a decision to be made as to whether the person should be charged with the offence, or

(c) released without charge and without bail (with or without any variation in the conditions attached to the caution).

(3) Subsection (2) also applies in the case of—

(a) a person who, having been released on bail under subsection (2)(b), returns to a police station to answer bail or is otherwise in police detention at a police station;

(b) a person who, having been released on bail under Article 32A of PACE (bail elsewhere than at police station) as applied by section 76, attends at a police station to answer bail or is otherwise in police detention at a police station;

(c) a person who is arrested under Article 32D or 47A of PACE (power of arrest for failure to answer to police bail) as applied by section 76.

(4) Where the offender is released under subsection (2)(b), the custody officer must inform the offender that the offender is being released to enable a decision to be made as to whether the offender should be charged with the offence in question.

(5) A person arrested under this section, or any other person in whose case subsection (2) applies, may be kept in police detention to enable that person to be dealt with in accordance with that subsection. If the person is not in a fit state to enable that person to be so dealt with, or to enable that power to be exercised, that person may be kept in police detention until that person is.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) The power under subsection (5) includes power to keep the person in police detention if it is necessary to do so for the purpose of investigating whether the person has failed, without reasonable excuse, to comply with any of the conditions attached to the conditional caution.

(7) Subsection (2) must be complied with as soon as practicable after the person arrested arrives at the police station or, in the case of a person arrested at the police station, as soon as practicable after the arrest.

(8) Subsection (2) does not require a person who—

(a) falls within subsection (3)(a) or (b), and

(b) is in police detention in relation to a matter other than the conditional caution,

to be released if the person is liable to be kept in detention in relation to that other matter.

(9) In this Chapter—

"PACE" means the Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12);

"police detention" has the same meaning as in PACE (see Article 2(3) of PACE).

Application of PACE provisions

76.—(1) In the case of a person arrested under section 75, the provisions of PACE specified in subsection (2) apply, with the modifications specified in subsection (3) and with such further modifications as are necessary, as they apply in the case of a person arrested for an offence.

(2) The provisions are—

(a) Article 32 (arrest elsewhere than at police station);

(b) Articles 32A to 32D (bail elsewhere than at police station);

(c) Article 33 (arrest for further offence);

(d) Article 35(1) to (6) (limitations on police detention);

(e) Article 37 (custody officers at police stations);

(f) Article 38(4) to (6) (record of grounds for detention);

(g) Article 39 (duties of custody officer after charge);

(h) Article 40 (responsibilities in relation to persons detained);

(i) Article 56A (x-rays and ultrasound scans).

(3) The modifications are—

(a) in Article 37(5) and (7), for the references to being involved in the investigation of an offence for which the person is in police detention substitute references to being involved—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(i) in the investigation of the offence in respect of which the person was given the conditional caution, or

(ii) in investigating whether the person has failed, without reasonable excuse, to comply with any of the conditions attached to the conditional caution;

(b) in Article 39(1)(a)(ia), for "arrested for" substitute " charged with ";

(c) in Article 40(2) and (3), for the references to an offence substitute references to a failure to comply with conditions attached to the conditional caution.

(4) Article 41 of PACE (review of police detention) applies to a person in police detention by virtue of section 75 as it applies to a person in police detention in connection with the investigation of an offence, but with the following modifications—

(a) omit paragraphs (8) and (8A);

(b) in paragraph (9), for the reference to Article 38(9) substitute a reference to the second sentence of section 75(5).

(5) The following provisions of PACE apply to a person released on bail under section 75(2)(b) as they apply to a person released on bail under Article 38 of PACE—

(a) Article 47A (power of arrest for failure to answer to police bail);

(b) Article 48 (bail after arrest).

(6) Article 55 of PACE (searches of detained persons) applies in the case of a person who falls within subsection (3) of section 75 and is detained in a police station under that section as it applies in the case of a person who falls within Article 35(8) of PACE and is detained at a police station under Article 38.

(7) Article 55A of PACE (searches and examination to ascertain identity) applies with the following modifications in the case of a person who is detained in a police station under section 75—

(a) in paragraphs (1)(a) and (12), after "as a person involved in the commission of an offence" insert " or as having failed to comply with any of the conditions attached to his conditional caution ";

(b) in paragraph (9)(a), after "the investigation of an offence" insert " , the investigation of whether the person in question has failed to comply with any of the conditions attached to his conditional caution ".

Code of practice

77.—(1) The Department must prepare a code of practice in relation to conditional cautions.

(2) The code may, in particular, include provision as to—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) the circumstances in which conditional cautions may be given,

(b) the procedure to be followed in connection with the giving of such cautions,

(c) the conditions which may be attached to such cautions and the time for which they may have effect,

(d) the category of authorised person by whom such cautions may be given,

(e) the persons who may be authorised by the Director of Public Prosecutions for Northern Ireland for the purposes of section 71,

(f) the form which such cautions are to take and the manner in which they are to be given and recorded,

(g) the places where such cautions may be given,

(h) the monitoring of compliance with conditions attached to such cautions,

(i) the exercise of the power of arrest conferred by section 75(1), and

(j) who is to decide how a person should be dealt with under section 75(2).

(3) After preparing a draft of the code the Department—

(a) must publish the draft,

(b) must consider any representations made to it about the draft, and

(c) may amend the draft accordingly,

but the Department may not publish or amend the draft without the consent of the Attorney General for Northern Ireland.

(4) After the Department has proceeded under subsection (3), it must lay the code before the Assembly.

(5) When the Department has done so it may bring the code into operation by order.

(6) No order may be made under subsection (5) unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(7) The Department may from time to time revise a code of practice brought into operation under this section.

(8) Subsections (3) to (7) are to apply (with appropriate modifications) to a revised code as they apply to an original code.

Powers of Probation Board

78 The powers of the Probation Board for Northern Ireland include power to make provision for—

(a) Public Prosecutors to be given assistance in determining whether conditional cautions should be given and which conditions to attach to conditional cautions;

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) the supervision and rehabilitation of persons to whom conditional cautions are given.

Interpretation of this Chapter

79 In this Chapter—

"authorised person" has the meaning given by section 71(4),

"conditional caution" has the meaning given by section 71(2),

"the offender" has the meaning given by section 71(1),

"PACE" and "police detention" have the meanings given by section 75(9),

"Public Prosecutor" has the meaning given by section 29(5) of the Justice (Northern Ireland) Act 2002 (c. 26).

PART 7

LEGAL AID, ETC.

PROSPECTIVE

Eligibility for criminal legal aid

80.—(1) The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8) is amended as follows.

(2) For Article 31 substitute—

"**Decisions as to eligibility for free legal aid**

31.—(1) If on a question of granting a person free legal aid under Article 28, 28A, 29 or 30 there is a doubt whether it is desirable in the interests of justice that he should have free legal aid, the doubt shall be resolved in favour of granting him free legal aid.

(2) For the purposes of Articles 28, 28A, 29 and 30 the question whether the means of a person are insufficient to enable him to obtain legal aid is to be determined in accordance with rules made for that purpose under Article 36.

(3) Those rules may make provision for, and in connection with, the determination of that question and may in particular—

(a) provide that the means of a person are to be taken to be insufficient to enable him to obtain legal aid if—

(i) his income does not exceed a prescribed sum; or

(ii) his disposable income does not exceed a prescribed sum;

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) provide for the calculation for the purposes of sub-paragraph (a) of the income and disposable income of a person;

(c) provide for the manner in which, and person by whom, the means of a person are to be assessed for the purposes of making that determination;

(d) provide for the review of that determination in prescribed circumstances;

(e) make such other provision as appears to the Department of Justice necessary or expedient.".

(3) In Article 33(1) (enquiries as to means of applicant for free legal aid) for the words from "the Department for Social Development to arrange" to the end substitute " enquiries to be made into the means of that person, and a report made to the court, in accordance with rules under Article 36. ".

[F3](4) . . . . . .

Textual Amendments

F3 S. 80(4) repealed (1.4.2015) by Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 (c. 11), s. 12(1), **Sch. 3 Pt. 1** (with ss. 2(3), 9, Sch. 1 para. 3(3)); S.R. 2015/193, art. 2(f)

Order to recover costs of legal aid

81.—(1) The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8) is amended as follows.

(2) After Article 33 insert—

"**Order to recover costs of legal aid**

33A.—(1) Where a person has been granted a criminal aid certificate the court may, subject to rules made under Article 36, make an order requiring him to pay some or all of the cost of legal aid incurred to the date of the order unless he is already subject to an action under Article 33(3) to recover that cost.

(2) Rules made under Article 36 may make provision about—

(a) the descriptions of courts by which, and individuals against whom, an order under paragraph (1) may be made,

(b) the circumstances in which such an order may be made and the principles to be applied in deciding whether to make such an order and the amount to be paid,

(c) the persons who may apply to the court for such an order to be made and the circumstances and manner in which that application may be made,

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(d) the determination of the cost of legal aid incurred for the purposes of the making of such an order,

(e) the manner in which, and persons by whom, an investigation into the means of any person may be carried out for the purposes of making such an order,

(f) the furnishing of information and evidence to the court or the Northern Ireland Legal Services Commission for the purpose of enabling the court to decide whether to make such an order and (if so) the amount to be paid,

(g) prohibiting persons who are required to furnish information or evidence from dealing with property until they have furnished the information or evidence or until a decision whether to make an order, or as to the amount to be paid, has been made,

(h) rights of appeal against such an order,

(i) the person or body to which, and manner in which, payments required by such an order must be made and what that person or body is to do with them,

(j) the enforcement of such an order (including provision for the imposition of charges in respect of unpaid amounts), and

(k) such other matters as the Department of Justice considers necessary or appropriate.".

(3) In Article 33 (report on means of applicant) at the end insert—

"(4) Paragraph (3) does not apply in relation to a person who is already subject to an order under Article 33A(1) in respect of the cost of legal aid incurred.".

Commencement Information

I57 S. 81 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(b)**

Eligibility of persons in receipt of guarantee credit

82.—(1) The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8) is amended as follows.

(2) In Article 3(1) (eligibility)—

(a) after sub-paragraph (b) insert "or

(c) he is in receipt of a guarantee credit under the State Pension Credit Act (Northern Ireland) 2002,",

(b) for "in either case" substitute " in any case ".

(3) In Article 7(2) (contributions) after "1995)" insert " or a guarantee credit under the State Pension Credit Act (Northern Ireland) 2002 ".

(4) In Article 14(5) (assessment of capital and income) at the end add " or a guarantee credit under the State Pension Credit Act (Northern Ireland) 2002 ".

Commencement Information

I58 S. 82 in operation at 7.1.2013 by S.R. 2012/449, **art. 2(a)**

Legal aid for certain bail applications

83.—(1) Part 3 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8) (criminal proceedings) is amended as follows.

(2) In Article 28(7) (legal aid in the magistrates' court)—

(a) after sub-paragraph (b) insert—

"(c) applying to the Crown Court for bail under section 92 of the Justice Act (Northern Ireland) 2011;";

(b) after "being work done" insert " , in a case falling within sub-paragraph (a) or (b), ".

(3) In Article 29(4) (legal aid in the Crown Court) at the end add "and

(c) applying to a magistrates' court for bail under section 91 of the Justice Act (Northern Ireland) 2011.".

Commencement Information

I59 S. 83(1)(3) in operation at 11.6.2012 by S.R. 2012/214, **art. 3(a)**

PROSPECTIVE

Financial eligibility for grant of right to representation

84.—(1) The Access to Justice (Northern Ireland) Order 2003 (NI 10) is amended as follows.

(2) After Article 27 insert—

"**Financial eligibility for grant of right to representation**

27A.—(1) Power under Article 26 or 27 to grant a right to representation may only be exercised in relation to an individual whose financial resources appear to the court or (as the case may be) the Commission to be such that, under regulations, he is eligible to be granted such a right.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) Power under Article 26(9) or 27(1) to withdraw a right to representation shall be exercised in relation to an individual if it appears to the court or Commission—

(a) that his financial resources are not such that, under regulations, he is eligible to be granted such a right, or

(b) that he has failed, in relation to the right, to comply with regulations under this Article about the furnishing of information.

(3) Regulations may make provision for exceptions from paragraph (1) or (2).

(4) Regulations under this Article may include—

(a) provision requiring the furnishing of information;

(b) provision for the notification of decisions about the application of—

(i) paragraph (1) or (2), or

(ii) regulations under paragraph (3);

(c) provision for the review of such decisions.

(5) The provision which may be made under paragraph (4)(c) includes provision prescribing circumstances in which the person or body reviewing a decision may refer a question to the High Court for its decision.

(6) Section 35 of the Judicature (Northern Ireland) Act 1978 (c. 23) (appeals to the Court of Appeal from the High Court) shall not apply to decisions of the High Court on a reference under regulations under this Article.".

(3) In Article 29 (criteria for grant of right to representation)—

(a) in paragraph (1) for the words from "a right to representation" to "varied or removed" substitute " power to grant a right to representation should be exercised ",

(b) for paragraph (4) substitute—

"(4) Regulations may prescribe circumstances in which the grant of a right to representation shall be taken to be in the interests of justice.".

[[F4](4) In Article 46(5) after "20A," insert "27A,**]**

Textual Amendments

F4 S. 84(4) substituted (1.4.2015) by Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 (c. 11), s. 12(1), **Sch. 2 para. 10** (with ss. 2(3), 9, Sch. 1 para. 3(3)); S.R. 2015/193, art. 2(e)

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PROSPECTIVE

Litigation funding agreements

85 Article 41 of the Access to Justice (Northern Ireland) Order 2003 (NI 10) (prohibition on [F5]... funding services under litigation funding agreements) is repealed.

Textual Amendments

F5 Word in s. 85 repealed (1.4.2015) by Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 (c. 11), s. 12(1), **Sch. 3 Pt. 1** (with ss. 2(3), 9, Sch. 1 para. 3(3)); S.R. 2015/193, art. 2(f)

Civil legal services: scope

86.—(1) In Schedule 2 to the Access to Justice (Northern Ireland) Order 2003 (NI 10) (civil legal services) paragraph 2 is amended as follows.

(2) After sub-paragraph (b) insert—

"(ba) proceedings in the Crown Court for the variation or discharge of an order under Article 7 or 7A of the Protection from Harassment (Northern Ireland) Order 1997;

(bb) proceedings in the Crown Court for the variation or discharge of a witness anonymity order under section 91 or 92 of the Coroners and Justice Act 2009;".

(3) In sub-paragraph (d)(xii) after the words "under section" insert " 215A, ".

(4) After sub-paragraph (d)(xv) insert—

"(xvi) for the variation or discharge of an order under Article 7 or 7A of the Protection from Harassment (Northern Ireland) Order 1997,

(xvii) for an order or the variation, renewal or discharge of an order under paragraph 5 or 10 of Schedule 5 to the Counter-Terrorism Act 2008,

(xviii) for the discharge of an investigation anonymity order under section 80 of the Coroners and Justice Act 2009,

(xix) for the variation or discharge of a witness anonymity order under section 91 or 92 of the Coroners and Justice Act 2009;".

(5) In sub-paragraph (i) omit "the Asylum and Immigration Tribunal or".

(6) After sub-paragraph (i) insert—

"(ia) proceedings before the First-tier Tribunal under—

(i) Schedule 2 to the Immigration Act 1971;

(ii) section 40A of the British Nationality Act 1981;

(iii) Part 5 of the Nationality, Immigration and Asylum Act 2002; or

(iv) regulation 26 of the Immigration (European Economic Area) Regulations 2006,

(ib) proceedings before the Upper Tribunal arising out of proceedings within sub-paragraph (ia),".

Commencement Information

I60 S. 86 in operation at 7.1.2013 by S.R. 2012/449, **art. 2(b)**

PROSPECTIVE

Enhanced legal aid fees for certain solicitors

87 Schedule 5 (which makes provision for enhanced legal aid fees for certain solicitors) has effect.

PART 8

SOLICITORS' RIGHTS OF AUDIENCE

PROSPECTIVE

Authorisation of Society conferring additional rights of audience

88.—(1) The Solicitors (Northern Ireland) Order 1976 (NI 12) is amended as follows.

(2) In Article 6 (regulations as to the education, training, etc. of persons seeking admission or having been admitted as solicitors) after paragraph (1) insert—

"(1A) The Society shall make regulations with respect to the education, training or experience to be undergone by solicitors seeking authorisation under Article 9A.".

(3) After Article 9 insert—

"**Authorisation of Society conferring additional rights of audience**

9A.—(1) A person who is qualified to act as a solicitor may apply to the Society for an authorisation under this Article.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) An application under paragraph (1)—

(a) shall be made in such manner as may be prescribed;

(b) shall be accompanied by such information as the Society may reasonably require for the purpose of determining the application; and

(c) shall be accompanied by such fee (if any) as may be prescribed.

(3) At any time after receiving the application and before determining it the Society may require the applicant to provide it with further information.

(4) The Society shall grant an authorisation under this Article if it appears to the Society, from the information furnished by the applicant and any other information it may have, that the applicant has complied with the requirements applicable to him by virtue of regulations under Article 6(1A).

(5) An authorisation granted to a person under this Article ceases to have effect if, and for so long as, that person is not qualified to act as a solicitor.

(6) The Society may by regulations provide that any person who has completed such education, training or experience as may be prescribed, before such date as may be prescribed shall be taken to hold an authorisation granted under this Article.".

(4) In Article 10 (practising certificates and register of practising solicitors) after paragraph (2C) insert—

"(2D) Every entry in the register shall include details of any authorisation granted under Article 9A to the solicitor to whom the entry relates.".

PROSPECTIVE

Rights of audience of solicitors

89.—(1) In section 106 of the Judicature (Northern Ireland) Act 1978 (c. 23) (rights of audience in the High Court and Court of Appeal) after subsection (3) insert—

"(3A) A solicitor who holds an authorisation under Article 9A of the Solicitors (Northern Ireland) Order 1976 shall have the same right of audience in any proceedings in the High Court or Court of Appeal as counsel in those courts and any such right is in addition to any right of audience which a solicitor would have apart from this subsection.".

(2) After Article 40 of the Solicitors (Northern Ireland) Order 1976 (NI 12) insert—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"**Duty to advise client as to representation in court**

40A.—(1) Paragraph (2) applies where—

(a) it appears to a solicitor that a client requires, or is likely to require, legal representation in any proceedings in the High Court or the Court of Appeal;

(b) either—

(i) that solicitor is minded to arrange for another solicitor who is an authorised solicitor to provide that representation; or

(ii) that solicitor is an authorised solicitor and is minded to provide that representation; and

(c) in representing that client in the High Court or Court of Appeal, a solicitor would need to exercise the right of audience conferred by section 106(3A) of the Judicature (Northern Ireland) Act 1978.

(2) The solicitor must advise the client in writing—

(a) of the advantages and disadvantages of representation by an authorised solicitor and by counsel, respectively; and

(b) that the decision as to whether an authorised solicitor or counsel is to represent the client is entirely that of the client.

(3) The Society shall make regulations with respect to the giving of advice under paragraph (2).

(4) A solicitor shall—

(a) in advising a client under paragraph (2), act in the best interest of the client; and

(b) give effect to any decision of the client referred to in paragraph (2)(b).

(5) For the purposes of this Article compliance with paragraph (2) in relation to any proceedings in a court in any cause or matter is to be taken to be compliance with that paragraph in relation to any other proceedings in that court in the same cause or matter.

(6) If a solicitor contravenes this Article, any person may make a complaint in respect of the contravention to the Tribunal.

(7) In this Article and Article 40B "authorised solicitor" means a solicitor who holds an authorisation under Article 9A.

Duty to inform court as to compliance with Article 40A(2)

40B.—(1) Where—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) a solicitor has complied with Article 40A(2) in relation to the representation of a client in any proceedings in the High Court or Court of Appeal;

(b) that client is to be represented in those proceedings by an authorised solicitor; and

(c) in representing that client in those proceedings the authorised solicitor would need to exercise the right of audience conferred by section 106(3A) of the Judicature (Northern Ireland) Act 1978,

the solicitor shall inform the High Court or (as the case may be) the Court of Appeal of the fact mentioned in sub-paragraph (a) in such manner and before such time as rules of court may require.

(2) For the purposes of this Article compliance with paragraph (1) in relation to any proceedings in a court in any cause or matter is to be taken to be compliance with that paragraph in relation to any other proceedings in that court in the same cause or matter.

(3) If a solicitor contravenes paragraph (1), any person may make a complaint in respect of the contravention to the Tribunal.".

(3) In Article 50 of the County Courts (Northern Ireland) Order 1980 (NI 3) (rights of audience) in paragraph (1)(c) omit the words ", but not a solicitor retained as an advocate by a solicitor so acting".

Consequential and supplementary provisions

90.—(1) In Article 75 (regulations) of the Solicitors (Northern Ireland) Order 1976 (NI 12) after paragraph (2) insert—

"(2A) Regulations under Article 6(1A), 9A(6) or 40A(3) also require the concurrence of the Department of Justice, given after consultation with the Attorney General.

(2B) The Department of Justice shall not grant its concurrence to any regulations under Article 6(1A) or 9A(6) unless regulations have been made under Article 40A(3) and are in operation.".

(2) The Department may by order make such amendments to—

(a) the Criminal Appeal (Northern Ireland) Act 1980 (c. 47),

(b) the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8),

(c) the Access to Justice (Northern Ireland) Order 2003 (NI 10),

(d) section 184 of the Extradition Act 2003 (c. 41),

as appear to the Department to be necessary or expedient in consequence of, or for giving full effect to, the provisions of this Part.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I61 S. 90(2) in operation at 1.9.2012 by S.R. 2012/214, **art. 4**

PART 9

MISCELLANEOUS

Bail: compassionate grounds

91.—(1) A person who—

(a) has been remanded in custody by a magistrates' court, and

(b) is for the time being held in custody,

may apply to the appropriate court for bail on compassionate grounds specified in the application.

(2) On an application under this section the appropriate court may grant bail.

(3) For the purposes of this section and section 92 a person is held in custody if that person is held in custody in a prison, young offenders' centre, juvenile justice centre or other institution.

(4) In this section "the appropriate court" means—

(a) the magistrates' court by which the person was remanded in custody; or

(b) a magistrates' court acting for the same county court division as that court.

Commencement Information

I62 S. 91 in operation at 11.6.2012 by S.R. 2012/214, **art. 3(b)**

PROSPECTIVE

Bail: repeat application

92.—(1) This section applies where—

(a) a person has been remanded in custody by a magistrates' court and is held in custody;

(b) that person made an unsuccessful application for bail to that court; and

(c) there has been no such change of circumstances as would enable that court to hear another application for bail by that person.

(2) The person may apply to the Crown Court for bail.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) On an application under this section the Crown Court may grant bail.

Possession of offensive weapon with intent to commit an offence

93.—(1) A person who is in possession of an offensive weapon with intent to commit an indictable offence is guilty of an offence.

(2) In subsection (1) "offensive weapon" means any article made or adapted for use for causing injury to the person, or intended by the person in possession of it for such use.

(3) A person guilty of an offence under subsection (1) shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, or to a fine, or to both.

Power of Department to make payments in relation to prevention of crime, etc.

94.—(1) The Department may, with the consent of the Department of Finance and Personnel, make such payments to such persons as the Department considers appropriate in connection with measures intended to—

(a) prevent crime or reduce the fear of crime; or

(b) support the recovery of criminal assets and proceeds of crime.

(2) A payment under subsection (1) may be made on such conditions as the Department may, with the consent of the Department of Finance and Personnel, determine.

PROSPECTIVE

Publication of material relating to legal proceedings

95.—(1) In section 12(4) of the Administration of Justice Act 1960 (c. 65) (publication of information relating to proceedings in private) at the end insert " (and in particular where the publication is not so punishable by reason of being authorised by rules of court) ".

(2) In Article 12(3) of the Family Law (Northern Ireland) Order 1993 (NI 6) (family proceedings rules) after sub-paragraph (h) insert—

"(i) authorise, for the purposes of the law relating to contempt of court, the publication in such circumstances as may be specified of information relating to family proceedings held in private.".

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In Article 165(2) of the Children (Northern Ireland) Order 1995 (NI 2) (rules of court) after sub-paragraph (j) insert—

"(k) authorising, for the purposes of the law relating to contempt of court, the publication in such circumstances as may be specified of information relating to family proceedings held in private.".

(4) In Article 170(2) of the Children (Northern Ireland) Order 1995 (privacy for children involved in certain proceedings) after "publish" insert " to the public at large or any section of the public ".

Membership of Crown Court Rules Committee

96 In section 53(1) of the Judicature (Northern Ireland) Act 1978 (c. 23) (Crown Court Rules Committee) in paragraph (g) for "one other" substitute " a " and after paragraph (i) insert—

"(j) a Public Prosecutor nominated by the Director of Public Prosecutions for Northern Ireland;

(k) a practising member of the Bar of Northern Ireland or a practising solicitor nominated by the Attorney General for Northern Ireland,".

Membership of Court of Judicature Rules Committee

97.—(1) In section 54(1) of the Judicature (Northern Ireland) Act 1978 (Court of Judicature Rules Committee) in paragraph (d) for "one other" substitute " a ", omit the "and" at the end of paragraph (e) and after paragraph (f) insert—

"(g) the Attorney General for Northern Ireland or a practising member of the Bar of Northern Ireland or a practising solicitor nominated by the Attorney General for Northern Ireland,".

(2) In section 73(1) of the Justice (Northern Ireland) Act 2002 (c. 26) omit the "and" at the end of the substituted paragraph (e) and after the substituted paragraph (f) insert—

"(g) the Attorney General for Northern Ireland or a barrister or solicitor nominated by the Attorney General for Northern Ireland.".

Funds in court: investment fees or expenses

98.—(1) Section 81 of the Judicature (Northern Ireland) Act 1978 (investment of funds in court) is amended as follows.

(2) The existing provision becomes subsection (1) of that section.

(3) After that subsection insert—

"(2) If the High Court or (as the case may be) the county court so orders, the power of the Accountant General under subsection (1)(a)(iii) or (iv) to invest a sum of money in the Court of Judicature or the county court in

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

securities includes the power to pay out of that sum any fees or expenses which are—

(a) incurred in connection with, or for the purposes of, investing that sum; and

(b) of an amount or at a rate approved by the High Court or (as the case may be) the county court.

(3) A court shall not make an order under subsection (2) unless the court considers it necessary and proportionate in all the circumstances to do so.

(4) The High Court or (as the case may be) the county court may, on an application made to it, order that all or part of any sum paid by way of fees or expenses under subsection (2) be refunded where it appears to the court to be in the interests of justice to do so.”.

Appeals from Crown Court: Proceeds of Crime Act 2002

99 In section 9 of the Criminal Appeal (Northern Ireland) Act 1980 (c. 47) (appeal in cases dealt with by Crown Court) after subsection (3B) insert—

“(3C) A person who—

(a) is convicted of any offence by a magistrates' court, and

(b) is committed by that court to the Crown Court under section 218 of the Proceeds of Crime Act 2002 in respect of that offence,

may appeal to the Court of Appeal against any sentence passed on him for that offence by the Crown Court.”.

Witness summons in magistrates' court

100.—(1) For Article 118 of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) and the italicised cross heading before it substitute—

“ Witnesses: proceedings other than criminal proceedings

Summons to witness in proceedings (other than criminal proceedings) or warrant for arrest

118.—(1) Where in any proceedings other than criminal proceedings a magistrates' court is satisfied that any person is able to give material evidence or produce any document or thing before the court, the court may issue a summons directed to that person requiring him to attend before the court at the time and place appointed in the summons to give evidence or to produce the document or thing.

(2) Where a person fails to attend before a magistrates' court in answer to a summons under paragraph (1), if—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) the court is satisfied by evidence on oath that he is likely to be able to give material evidence or produce any document or thing likely to be material evidence in the proceedings; and

(b) it is proved on oath or by affidavit or in such other manner as may be prescribed that the summons was duly served on that person or that he is evading service and that he is able to give material evidence; and

(c) no just excuse has been shown for the failure to attend,

the court may issue a warrant to arrest that person and bring him before the court to testify and to produce such documents or things as may be required.

(3) Where a person is arrested on a warrant issued under this Article he shall be brought, as soon as practicable, before a magistrates' court which may, if desirable, discharge that person on his entering a recognizance to appear before that or any other magistrates' court at the time and place specified in the recognizance and, if necessary, to appear at every time and place to which during the proceedings the hearing may be adjourned.

Witnesses: criminal proceedings

Issue of witness summons on application to magistrates' court

118A.—(1) This Article applies where a magistrates' court is satisfied that—

(a) a person is likely to be able to give evidence likely to be material evidence, or produce any document or thing likely to be material evidence, for the purpose of any criminal proceedings before the court, and

(b) it is in the interests of justice to issue a summons under this Article to secure the attendance of that person to give evidence or to produce the document or thing.

(2) In such a case the magistrates' court shall, subject to the following provisions of this Article, issue a summons (a witness summons) directed to the person concerned and requiring him to—

(a) attend before the magistrates' court at the time and place stated in the summons, and

(b) give the evidence or produce the document or thing.

(3) A witness summons may only be issued under this Article on an application; and the magistrates' court may refuse to issue the summons if any requirement relating to the application is not fulfilled.

(4) An application must be made as soon as is reasonably practicable.

(5) An application must be made in accordance with magistrates' courts rules.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) Magistrates' courts rules—

(a) may, in such cases as the rules may specify, require an application to be made by a party to the case;

(b) may, in such cases as the rules may specify, require the service of notice of an application on the person to whom the witness summons is proposed to be directed;

(c) may, in such cases as the rules may specify, require an application to be supported by an affidavit containing such matters as the rules may stipulate;

(d) may, in such cases as the rules may specify, make provision for enabling the person to whom the witness summons is proposed to be directed to be present or represented at the hearing of the application for the witness summons.

(7) Provision contained in magistrates' courts rules by virtue of paragraph (6)(c) may in particular require an affidavit to—

(a) set out any charge on which the proceedings concerned are based;

(b) specify any stipulated evidence, document or thing in such a way as to enable the directed person to identify it;

(c) specify grounds for believing that the directed person is likely to be able to give any stipulated evidence or produce any stipulated document or thing;

(d) specify grounds for believing that any stipulated evidence is likely to be material evidence;

(e) specify grounds for believing that any stipulated document or thing is likely to be material evidence.

(8) In paragraph (7)—

(a) references to any stipulated evidence, document or thing are to any evidence, document or thing whose giving or production is proposed to be required by the witness summons;

(b) references to the directed person are to the person to whom the witness summons is proposed to be directed.

Power to require advance production

118B.—(1) A witness summons which is issued under Article 118A and which requires a person to produce a document or thing as mentioned in Article 118A(2) may also require him to produce the document or thing—

(a) at a place stated in the summons, and

(b) at a time which is so stated and precedes that stated under Article 118A(2),

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

for inspection by the person applying for the summons.

(2) If—

(a) a document or thing is produced in pursuance of a requirement imposed by a witness summons under paragraph (1),

(b) the person applying for the summons concludes that a requirement imposed by the summons under Article 118A(2) is no longer needed, and

(c) he accordingly applies to the magistrates' court for a direction that the summons shall be of no further effect,

the court may direct accordingly.

(3) An application under paragraph (2) must be made in accordance with magistrates' courts rules.

(4) Magistrates' courts rules may, in such cases as the rules may specify, require the effect of a direction under paragraph (2) to be notified to the person to whom the summons is directed.

Application to make summons ineffective

118C.—(1) If a witness summons issued under Article 118A is directed to a person who—

(a) applies to the magistrates' court,

(b) satisfies the court that he was not served with notice of the application to issue the summons and that he was neither present nor represented at the hearing of the application, and

(c) satisfies the court that he cannot give any evidence likely to be material evidence or, as the case may be, produce any document or thing likely to be material evidence,

the court may direct that the summons shall be of no effect.

(2) For the purposes of paragraph (1) it is immaterial—

(a) whether or not magistrates' courts rules require the person to be served with notice of the application to issue the summons;

(b) whether or not magistrates' courts rules enable the person to be present or represented at the hearing of the application.

(3) In paragraph (1)(b) “served” means—

(a) served in accordance with magistrates' courts rules, in a case where such rules require the person to be served with notice of the application to issue the summons;

(b) served in such way as appears reasonable to the magistrates' court, in any other case.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) The magistrates' court may refuse to make a direction under this Article if any requirement relating to the application under this Article is not fulfilled.

(5) An application under this Article must be made in accordance with magistrates' courts rules.

(6) Magistrates' courts rules may, in such cases as the rules may specify, require the service of notice of an application under this Article on the person on whose application the witness summons was issued.

(7) Magistrates' courts rules may, in such cases as the rules may specify, require that where—

(a) a person applying under this Article can produce a particular document or thing, but

(b) he seeks to satisfy the court that the document or thing is not likely to be material evidence,

he must arrange for the document or thing to be available at the hearing of the application.

(8) Where a direction is made under this Article that a witness summons shall be of no effect, the person on whose application the summons was issued may be ordered to pay the whole or any part of the costs of the application under this Article.

Issue of witness summons of court's own motion

118D.—(1) For the purpose of any criminal proceedings before it, a magistrates' court may of its own motion issue a summons (a witness summons) directed to a person and requiring him to—

(a) attend before the court at the time and place stated in the summons; and

(b) give evidence or produce any document or thing specified in the summons.

(2) If a witness summons issued under this Article is directed to a person who—

(a) applies to the magistrates' court, and

(b) satisfies the court that he cannot give any evidence likely to be material evidence or, as the case may be, produce any document or thing likely to be material evidence,

the court may direct that the summons shall be of no effect.

(3) The magistrates' court may refuse to make a direction under paragraph (2) if any requirement relating to the application under that paragraph is not fulfilled.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) An application under paragraph (2) must be made in accordance with magistrates' courts rules.

(5) Magistrates' courts rules may, in such cases as the rules may specify, require that where—

(a) a person applying under paragraph (2) can produce a particular document or thing, but

(b) he seeks to satisfy the court that the document or thing is not likely to be material evidence,

he must arrange for the document or thing to be available at the hearing of the application.

Further process to secure attendance of witnesses

118E.—(1) If a magistrates' court is satisfied by evidence on oath that—

(a) a witness in respect of whom a witness summons is in force is unlikely to comply with the summons; and

(b) the witness is likely to be able to give evidence likely to be material evidence or produce any document or thing likely to be material evidence in the proceedings,

the magistrates' court may issue a warrant to arrest the witness and bring him before the court.

(2) Where a witness who is required to attend before a magistrates' court by virtue of a witness summons fails to attend in compliance with the summons, the magistrates' court may—

(a) in any case, cause to be served on him a notice requiring him to attend the court forthwith or at such time as may be specified in the notice;

(b) if the court is satisfied that there are reasonable grounds for believing that he has failed to attend without just excuse, or if he has failed to comply with a notice under sub-paragraph (a), issue a warrant to arrest him and bring him before the court.

(3) A witness brought before a magistrates' court in pursuance of a warrant under this Article may be remanded by that court in custody or on bail (with or without sureties) until such time as the court may appoint for receiving his evidence.

(4) Where a witness attends a magistrates' court in pursuance of a notice under this Article, the court may direct that the notice shall have effect as if it required him to attend at any later time appointed by the court for receiving his evidence.”.

(2) In Article 119(1) of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) (penalty for person served with summons under Article 118 who fails to appear)—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) in sub-paragraph (a) after "118" insert " , 118A or 118D ";

(b) after sub-paragraph (a) insert—

"(aa) disobeys a requirement made by a magistrates' court under Article 118B(1); or".

Commencement Information

I63 S. 100 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(f)**

PROSPECTIVE

Criminal conviction certificates to be given to employers

[F6]**101** . . . . . .

Textual Amendments

F6 S. 101 repealed (2.11.2015) before brought into operation by Justice Act (Northern Ireland) 2015 (c. 9), ss. 37(1)(a), 106(2), **Sch. 9 Pt. 3**; S.R. 2015/358, art. 2(a)

Accounts of the Law Commission

102 In paragraph 6 of Schedule 9 to the Justice (Northern Ireland) Act 2002 (c. 26) (accounts of the Northern Ireland Law Commission) omit the following provisions (which require the Comptroller and Auditor General for Northern Ireland to report on the accounts)—

(a) sub-paragraph (3)(b); and

(b) sub-paragraphs (4) and (4A).

Variation of firearms certificate

103 In Article 11 of the Firearms (Northern Ireland) Order 2004 (NI 3) after paragraph (3) (substitution of shotguns) insert—

"(4) If a person—

(a) sells a relevant firearm ("the first firearm") to the holder of a firearms dealer's certificate ("the dealer"); and

(b) as part of the same transaction purchases from the dealer another relevant firearm of the same type and calibre ("the second firearm"),

the dealer may vary that person's firearm certificate by substituting the second firearm for the first firearm.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) In paragraph (4) "relevant firearm" means a firearm other than—

(a) a shotgun; or

(b) a prohibited weapon.".

PROSPECTIVE

Restrictions on use of shotguns by young persons

[F7]104 . . . . . .

Textual Amendments

F7 S. 104 repealed (13.5.2016) by Justice Act (Northern Ireland) 2016 (c. 21), **ss. 58(2)**, 61(1)

PROSPECTIVE

Restrictions on possession of air guns by young persons

[F8]105 . . . . . .

Textual Amendments

F8 S. 105 repealed (13.5.2016) by Justice Act (Northern Ireland) 2016 (c. 21), **ss. 58(2)**, 61(1)

PART 10

SUPPLEMENTARY PROVISIONS

Supplementary, incidental, consequential and transitional provision, etc

106.—(1) The Department may by order make—

(a) such supplementary, incidental or consequential provision,

(b) such transitory, transitional or saving provision,

as it considers appropriate for the general purposes, or any particular purpose, of this Act, or in consequence of, or for giving full effect to, any provision made by this Act.

(2) An order under subsection (1) may amend, repeal, revoke or otherwise modify any statutory provision (including this Act).

(3) In subsection (2) "modify" includes the making of additions, omissions, exceptions and amendments.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Nothing in this Act affects the generality of the power conferred by this section.

(5) No order may be made under subsection (1) containing provision which amends or repeals a provision of an Act of Parliament or Northern Ireland legislation unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

Regulations and orders

107.—(1) Regulations made by the Department under this Act are subject to negative resolution.

(2) Subject to subsection (3), orders made by the Department under this Act are subject to negative resolution.

(3) Subsection (2) does not apply to—

(a) an order under section 1(7), 5(1)(c), 6(3), 40(8), 59(2), 77(5) or 111(3), paragraph 7(3) of Schedule 1 or paragraph 7(3) of Schedule 2;

(b) an order under subsection (1) of section 106 to which subsection (5) of that section applies.

(4) Regulations and orders made by the Department under this Act may contain such incidental, supplementary, transitional and saving provisions as appear to the Department to be necessary or expedient.

Interpretation

108 In this Act—

"the Department" means the Department of Justice;

"statutory provision" has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

Transitional provisions and savings

109 Schedule 6 (which contains transitional provisions and savings) has effect.

Commencement Information

I64 S. 109 wholly in operation at 5.5.2011; s. 109 in operation at 5.5.2011 see s. 111(1)(e); s. 109 in operation for specified purposes at 5.7.2011 by S.R. 2011/224, **art. 2(g)**

Minor and consequential amendments and repeals

110.—(1) The statutory provisions set out in Schedule 7 have effect subject to the minor and consequential amendments specified in that Schedule.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) The statutory provisions set out in Schedule 8 are repealed to the extent specified in the second column of that Schedule.

Commencement Information

I65 S. 110 partly in force; s. 110 in force for specified purposes at 5.5.2011 and 5.7.2011 see s. 111(1)(h)(i)(2)(c)(d); s. 110 in operation for specified purposes at 5.7.2011 by S.R. 2011/224, **art. 2(h)**; s. 110 in operation for specified purposes at 1.1.2012 by S.R. 2011/370, **art. 3(g)**

I66 S. 110 in operation at 1.1.2012 for specified purposes by S.R. 2011/370, **art. 3(g)**

I67 S. 110 in operation at 1.4.2012 for specified purposes by S.R. 2012/142, **art. 2(c)**

Commencement

111.—(1) The following provisions of this Act come into operation on the day after this Act receives Royal Assent—

(a) section 52;

(b) section 57;

(c) sections 93 and 94;

(d) section 102 and 106 to 108;

(e) section 109 and Schedule 6;

(f) this section;

(g) section 112;

(h) paragraphs 1, 3, 5 and 11 of Schedule 7 (and section 110(1) so far as relating to those paragraphs);

(i) in Part 5 of Schedule 8, the repeals in the Vagrancy Act 1824 (c. 83), the Criminal Justice Act 1988 (c. 33), the Justice (Northern Ireland) Act 2002 (c. 26) and the Criminal Justice (Northern Ireland) Order 2008 (NI 1) (and section 110(2) so far as relating to those repeals).

(2) The following provisions of this Act come into operation two months after the day on which this Act receives Royal Assent—

(a) section 51;

(b) section 53;

(c) paragraphs 12 and 15 of Schedule 7 (and section 110(1) so far as relating to those paragraphs);

(d) in Part 5 of Schedule 8, the repeals in the Offences against the Person Act 1861 (c. 100), the Sexual Offences Act 2003 (c. 42) and the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006 (NI 14) (and section 110(2) so far as relating to those repeals).

(3) The other provisions of this Act come into operation on such day or days as the Department may by order appoint.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Without prejudice to section 107(4), an order under subsection (3) may contain such transitional or transitory modifications of this Act as appear to the Department to be necessary or expedient in connection with any provision brought into operation by the order.

Subordinate Legislation Made

P1 S. 111(3) power partly exercised: different dates appointed for specified provisions by S.R. 2011/224, **arts. 2**, 3

S. 111(3) power partly exercised: different dates appointed for specified provisions by S.R. 2011/370, **arts. 2**, 3

Short title

112 This Act may be cited as the Justice Act (Northern Ireland) 2011.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 20.

POLICING AND COMMUNITY SAFETY PARTNERSHIPS

Interpretation

1.—(1) In this Schedule, in relation to a PCSP—

"independent member" means a member appointed under paragraph 4;

"political member" means a member appointed under paragraph 3.

(2) In this Schedule "local general election" has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (c. 14).

(3) In this Schedule a "declaration against terrorism" means a declaration in the form set out in Part 1 of Schedule 2 to the Elected Authorities (Northern Ireland) Act 1989 (c. 3), with the substitution of the words "if appointed" for the words "if elected".

(4) In this Schedule, in relation to a PCSP and the holding of a local general election—

"the transitional period" means the period—

(a) beginning with the election day; and

(b) ending with the day before the reconstitution date;

"reconstitution date" means the date published by notice of the Policing Board under paragraph 4(4).

(5) For the purposes of this Schedule an independent member of a council shall be treated as a party.

Commencement Information

I68 Sch. 1 para. 1 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Composition

2 A PCSP shall consist of—

(a) political members appointed under paragraph 3;

(b) independent members appointed under paragraph 4; and

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) representatives nominated by organisations designated under paragraph 7.

Commencement Information

I69 Sch. 1 para. 2 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Political members

3.—(1) There shall be 8, 9 or 10 political members, as the council may determine.

(2) In making a determination under sub-paragraph (1), the council shall have regard to—

(a) the number of members constituting the council; and

(b) the duty imposed by sub-paragraph (3).

(3) A council shall exercise its power to appoint political members so as to ensure that, so far as practicable, the political members reflect the balance of parties prevailing among the members of the council immediately after the last local general election.

(4) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a political member in accordance with the terms of that person's appointment.

(5) A political member shall hold office until the day before the reconstitution date next following that member's appointment.

(6) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the political member in whose place that person is appointed.

(7) A political member ("P") shall cease to hold office if—

(a) P resigns by notice in writing to the council;

(b) P becomes disqualified for membership of the PCSP; or

(c) P ceases to be a member of the council.

(8) A person whose term of office as a political member expires or who has resigned shall be eligible for re-appointment.

(9) Where a political member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and sub-paragraphs (1) and (3) shall have effect subject to this sub-paragraph.

Commencement Information

I70 Sch. 1 para. 3 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Independent members

4.—(1) The number of independent members shall be one less than the number of political members.

(2) Appointments of independent members shall be made by the Policing Board from among persons nominated by the council in accordance with paragraph 5.

(3) In appointing independent members the Policing Board shall so far as practicable secure that the members of the PCSP (taken together) are representative of the community in the district.

(4) Where following a local general election the Policing Board has completed the arrangements for the appointment of the independent members of the PCSP for a district, it shall publish notice of the date which is to be the reconstitution date in relation to the PCSP for that district.

(5) Notice under sub-paragraph (4) shall be published in such manner as appears to the Policing Board appropriate for bringing it to the attention of interested persons.

(6) Subject to the following provisions of this paragraph, a person shall hold and vacate office as an independent member in accordance with the terms of that person's appointment.

(7) An independent member shall hold office until the day before the reconstitution date next following the member's appointment.

(8) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place that person is appointed.

(9) An independent member shall cease to hold office if that member—

(a) resigns by notice in writing to the council; or

(b) becomes disqualified for membership of the PCSP.

(10) A person whose term of office as an independent member expires or who has resigned shall be eligible for re-appointment.

(11) Where an independent member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and sub-paragraphs (1) and (3) shall have effect subject to this sub-paragraph.

Commencement Information

I71 Sch. 1 para. 4 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

5.—(1) Where appointments are to be made of independent members, the council shall nominate persons willing to be candidates for appointment.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) Unless otherwise agreed with the Policing Board, the number of persons to be nominated under sub-paragraph (1) on any occasion shall be twice the number of appointments to be made of independent members.

(3) The council shall notify the Policing Board of—

(a) the name of each person nominated by it under sub-paragraph (1); and

(b) such other information regarding those persons as it considers appropriate.

(4) A person shall not be nominated under sub-paragraph (1) if that person—

(a) is disqualified for membership of the PCSP; or

(b) has not made a declaration against terrorism.

(5) Where the number of persons nominated by the council is less than twice the number of appointments to be made, the Policing Board may itself nominate such number of candidates as, when added to the number nominated by the council, equals twice the number of appointments to be made.

(6) If the Policing Board does so, paragraph 4(2) shall have effect as if those persons had been nominated by the council.

Commencement Information

I72 Sch. 1 para. 5 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

6.—(1) In exercising functions under paragraphs 4 and 5, a council and the Policing Board shall have regard to any code of practice under this paragraph.

(2) The Department may issue, and from time to time revise, a code of practice containing guidance as to the exercise by councils and the Policing Board of their functions under paragraphs 4 and 5.

(3) Before issuing, or revising, a code of practice under this paragraph, the Department shall consult—

(a) the Policing Board;

(b) district councils; and

(c) the Equality Commission for Northern Ireland.

(4) The Department shall arrange for any code of practice issued or revised under this paragraph to be published in such manner as appears to the Department to be appropriate.

Commencement Information

I73 Sch. 1 para. 6 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Representatives of designated organisations

7.—(1) A PCSP must designate at least 4 organisations for the purposes of this paragraph.

(2) A PCSP may at any time revoke a designation under sub-paragraph (1).

(3) The Department may by order designate organisations for the purposes of this paragraph.

(4) No order may be made under sub-paragraph (3) unless—

(a) the Department has consulted each PCSP; and

(b) a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(5) An organisation for the time being designated by a PCSP or by an order under sub-paragraph (3) must nominate a person to attend a meeting of the PCSP or a committee appointed under paragraph 14.

(6) A person who is so nominated and attends a meeting is to be treated as a member of the PCSP or the committee.

Commencement Information

I74 Sch. 1 para. 7 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Removal of members

8.—(1) The Policing Board, or the council with the approval of the Policing Board, may remove a person ("P") from office as a political or independent member of a PCSP if satisfied that—

(a) in the case of an independent member, P failed to make the necessary disclosure in relation to P's conviction for a criminal offence in Northern Ireland or elsewhere;

(b) in the case of an independent member, P has acted in breach of the terms of a declaration against terrorism;

(c) P has been convicted in Northern Ireland or elsewhere after the date of P's appointment of a criminal offence (whether committed before or after that date);

(d) P has become bankrupt or made a composition or arrangement with P's creditors;

(e) P has failed to comply with the terms of P's appointment; or

(f) P is otherwise unable or unfit to discharge P's functions as a member of the PCSP.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) The "necessary disclosure", in relation to a conviction of an independent member, means full disclosure of it—

(a) before the nomination of that member, to the council which nominated that member; and

(b) before the appointment of that member, to the Policing Board.

(3) Section 6 of the Elected Authorities (Northern Ireland) Act 1989 (c. 3) applies to determine whether an independent member has acted in breach of the terms of a declaration against terrorism as it applies to determine whether a person who has made a declaration required for the purpose of section 3, 4 or 5 of that Act has acted in breach of the terms of the declaration.

(4) As applied by sub-paragraph (3), section 6 of the Elected Authorities (Northern Ireland) Act 1989 applies with the following modifications—

(a) in subsection (1), for the words from "after" to "the Assembly" substitute " when he is an independent member of a PCSP ";

(b) omit subsection (4);

(c) in subsection (5), in the definition of "public meeting" after paragraph (c) insert—

"(d) any meeting of a PCSP or a DPCSP or a committee of a PCSP or DPCSP (whether or not a meeting which the public is permitted to attend), and".

Commencement Information

I75 Sch. 1 para. 8 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Disqualification

9.—(1) A person is disqualified for being a political or independent member if that person is—

(a) a police officer;

(b) a member of the police support staff;

(c) a member of the Policing Board; or

(d) an employee of the council.

(2) A person removed from office under paragraph 8(1) is disqualified for membership of a PCSP until the date of the next local general election following that person's removal.

(3) A person is disqualified for being an independent member of a PCSP if—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) that person has been convicted in Northern Ireland or elsewhere of any offence and a sentence of imprisonment or detention has been passed on that person, and

(b) the relevant period has not ended.

(4) The relevant period is the period of 5 years beginning with the person's discharge in respect of the offence.

(5) For the purposes of sub-paragraph (4) the following are to be treated as the discharge of a person (whether or not the release of that person is subject to conditions)—

(a) release on licence;

(b) release in pursuance of a grant of remission.

(6) Sub-paragraph (5) does not apply in relation to the release of a person in respect of an offence if that person is required to return to prison or detention for a further period in respect of the offence.

(7) Subject to sub-paragraph (8), the reference in sub-paragraph (3) to a sentence of imprisonment or detention does not include a suspended sentence.

(8) Sub-paragraph (7) does not apply in relation to a suspended sentence that has been ordered to take effect.

(9) In this paragraph "suspended sentence" means a sentence of imprisonment or detention that is ordered not to take effect unless the conditions specified in the order are met.

Commencement Information

I76 Sch. 1 para. 9 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Chair and vice-chair

10.—(1) For each PCSP there shall be—

(a) a chair appointed by the council from among the political members; and

(b) a vice-chair elected by the independent members from among such members.

(2) In appointing to the office of chair, the council shall ensure that, so far as practicable—

(a) a person is appointed to that office for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following that person's appointment;

(b) that office is held in turn by each of the four largest parties represented on the council immediately after the last local general election.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) A person may at any time resign as chair or vice-chair by notice in writing to the PCSP.

(4) If the person holding office as chair or vice-chair ceases to be a member of the PCSP, that person shall also cease to hold that office.

Commencement Information

I77 Sch. 1 para. 10 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Procedure of PCSP

11.—(1) The quorum for a meeting of a PCSP shall be one-quarter of the total number of members.

(2) Every question at a meeting of a PCSP shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chair of the meeting shall have a second or casting vote.

(3) If the chair and vice-chair are absent from a meeting of a PCSP, the members present shall elect one of their number to act as chair of the meeting.

(4) Subject to sub-paragraphs (1) to (3) and to section 23, a PCSP may regulate its own procedure.

Commencement Information

I78 Sch. 1 para. 11 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Policing committee: constitution

12.—(1) For each PCSP there shall be a policing committee consisting of—

(a) the political members; and

(b) the independent members.

(2) For each policing committee there shall be—

(a) a chair who shall be the person who is for the time being chair of the PCSP; and

(b) a vice-chair elected by the independent members from among such members.

(3) The election of the vice-chair shall be conducted in accordance with procedures determined by the policing committee under paragraph 13(4).

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Subject to the following provisions of this paragraph, a person shall hold and vacate office as vice-chair in accordance with such terms as the Policing Board may determine.

(5) In determining terms under sub-paragraph (4), the Policing Board shall ensure that, so far as practicable, a person holds office as vice-chair for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following that person's election to that office.

(6) A person may at any time resign as vice-chair by notice in writing to the Policing Board.

(7) If the person holding office as chair or vice-chair ceases to be a member of the policing committee, that person shall also cease to hold that office.

Commencement Information

I79 Sch. 1 para. 12 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Policing committee: procedure

13.—(1) The quorum for a meeting of a policing committee shall be 5.

(2) Every question at a meeting of a policing committee shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chair of the meeting shall have a second or casting vote.

(3) If the chair and vice-chair are absent from a meeting of a policing committee, the members present shall elect one of their number to act as chair of the meeting.

(4) Subject to sub-paragraphs (1) to (3) and to section 23, a policing committee may regulate its own procedure.

(5) A policing committee may—

(a) constitute sub-committees of such 5 or more of its members as the policing committee may appoint; and

(b) delegate to a sub-committee so constituted any of the functions exercisable by the policing committee.

(6) The powers of any sub-committee of a policing committee shall be exercised, and the proceedings of the sub-committee shall be regulated, in accordance with and subject to directions given by the policing committee.

Commencement Information

I80 Sch. 1 para. 13 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Other committees

14.—(1) A PCSP may—

(a) constitute other committees of such 5 or more of its members as the PCSP may appoint; and

(b) delegate to a committee so constituted any of the functions of the PCSP (other than a restricted function).

(2) A committee appointed under this paragraph may co-opt to the committee persons who are not members of the committee or the PCSP.

(3) A person co-opted under sub-paragraph (2) may not vote on any matter, but otherwise is to be treated as a member of the committee.

(4) The powers of any committee appointed under this paragraph shall be exercised, and the proceedings of the committee shall be regulated, in accordance with and subject to directions given by the PCSP.

Commencement Information

I81 Sch. 1 para. 14 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Indemnities

15 The council may indemnify a member of a PCSP in respect of liability incurred by that member in connection with the business of the PCSP.

Commencement Information

I82 Sch. 1 para. 15 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Insurance against accidents

16.—(1) The council may insure against risks of a member of the PCSP meeting with a personal accident, whether fatal or not, while engaged on the business of the PCSP.

(2) Sub-paragraph (3) applies if the council receives a sum under any such insurance in respect of an accident to a member of the PCSP.

(3) The council shall pay the sum to the member or the member's personal representatives, after deducting any expenses incurred in its recovery.

(4) The provisions of the Life Assurance Act 1774 (c. 48) as extended by the Life Insurance (Ireland) Act 1866 (c. 42) do not apply to any insurance under this paragraph.

Commencement Information

I83 Sch. 1 para. 16 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Expenses

17 The council may pay to members of a PCSP such expenses as the council may determine.

Commencement Information

I84 Sch. 1 para. 17 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Finance

18.—(1) The Department and the Policing Board shall for each financial year make to the council grants of such amounts as the joint committee may determine for defraying or contributing towards the expenses of the council in that year in connection with PCSPs.

(2) A grant made by the Department or the Policing Board under this paragraph—

(a) shall be paid at such time, or in instalments of such amounts and at such times, and

(b) shall be made on such conditions,

as the joint committee may determine.

(3) A time determined under sub-paragraph (2)(a) may fall within or after the financial year concerned.

Commencement Information

I85 Sch. 1 para. 18 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Validity of proceedings

19 The validity of any proceedings of a PCSP or a committee of a PCSP shall not be affected by—

(a) any defect in the appointment of any member or in the appointment or election of the chair or vice-chair; or

(b) any vacancy in the office of chair or vice-chair or among the other members.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I86 Sch. 1 para. 19 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Disclosure of pecuniary interests, family connections, etc.

20 Sections 28 to 33, 42, 46, 47 and 146 of the Local Government Act (Northern Ireland) 1972 (c. 9) (and section 148 of that Act so far as applying for the interpretation of those sections) apply to a PCSP and its members as if—

(a) in those sections—

(i) any reference to a council were a reference to the PCSP;

(ii) any reference to a councillor were a reference to a member of the PCSP;

(iii) any reference to the clerk of the council were a reference to the person acting as secretary of the PCSP;

(b) in section 28(4) of that Act for the words from "by any local elector" to the end there were substituted the words " by any person ";

(c) in section 29 of that Act any reference to the Minister were a reference to the Department.

Commencement Information

I87 Sch. 1 para. 20 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Joint PCSPs

21.—(1) The Department may by order provide that two or more councils may by agreement establish a single PCSP for their districts.

(2) An order under this paragraph may—

(a) provide for Part 3, this Schedule and Schedule 2 to have effect in relation to—

(i) the councils in question and their districts, and

(ii) any PCSP established by virtue of this paragraph,

with such modifications as the Department thinks necessary or expedient;

(b) make such other provision as the Department thinks necessary or expedient for the proper functioning of any such PCSP.

(3) Before making an order under this paragraph, the Department shall consult—

(a) the Policing Board; and

(b) any council affected by the order.

Commencement Information

I88 Sch. 1 para. 21 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Belfast PCSP

22.—(1) The preceding paragraphs of this Schedule have effect in relation to the PCSP for the district of Belfast with the following modifications.

(2) In paragraph 3 after sub-paragraph (3) insert—

"(3A) The members of the PCSP who are appointed by the council in accordance with this paragraph shall include the persons who hold the office of chair of each of the DPCSPs.".

(3) In paragraph 5 after sub-paragraph (3) insert—

"(3A) In relation to each person nominated by it under sub-paragraph (1) the council shall also notify the Policing Board of—

(a) whether the person is also willing to be a candidate for appointment as an independent member of a DPCSP;

(b) if the person is so willing, the DPCSP or DPCSPs concerned.".

Commencement Information

I89 Sch. 1 para. 22 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

SCHEDULE 2

Section 20.

DISTRICT POLICING AND COMMUNITY SAFETY PARTNERSHIPS

Interpretation

1.—(1) In this Schedule, in relation to a DPCSP—

"independent member" means a member appointed under paragraph 4;

"political member" means a member appointed under paragraph 3.

(2) In this Schedule "local general election" has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (c. 14).

(3) In this Schedule a "declaration against terrorism" means a declaration in the form set out in Part 1 of Schedule 2 to the Elected Authorities (Northern Ireland)

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Act 1989 (c. 3), with the substitution of the words "if appointed" for the words "if elected".

(4) In this Schedule, in relation to a DPCSP and the holding of a local general election—

"the transitional period" means the period—

(a) beginning with the election day; and

(b) ending with the day before the reconstitution date;

"reconstitution date" means the date published by notice of the Policing Board under paragraph 4(3).

(5) For the purposes of this Schedule an independent member of a council shall be treated as a party.

Commencement Information

I90 Sch. 2 para. 1 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Composition

2.—(1) A DPCSP shall consist of—

(a) 6 political members appointed under paragraph 3;

(b) 5 independent members appointed under paragraph 4; and

(c) representatives nominated by organisations designated under paragraph 7.

(2) The members of a DPCSP need not be members of the principal PCSP.

Commencement Information

I91 Sch. 2 para. 2 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Political members

3.—(1) The council shall exercise its power to appoint political members so as to ensure that, so far as practicable, the political members of all the DPCSPs, taken together, reflect the balance of parties prevailing among the members of the council immediately after the last local general election.

(2) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a political member in accordance with the terms of that person's appointment.

(3) A political member shall hold office until the day before the reconstitution date next following that member's appointment.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the political member in whose place that person is appointed.

(5) A political member ("P") shall cease to hold office if—

(a) P resigns by notice in writing to the council;

(b) P becomes disqualified for membership of the DPCSP; or

(c) P ceases to be a member of the council.

(6) A person whose term of office as a political member expires or who has resigned shall be eligible for re-appointment.

(7) Where a political member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and paragraph 2(1) and sub-paragraph (1) of this paragraph shall have effect subject to this sub-paragraph.

Commencement Information

I92 Sch. 2 para. 3 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Independent members

4.—(1) Appointments of independent members shall be made by the Policing Board from among persons nominated by the council in accordance with paragraph 5.

(2) In appointing independent members the Policing Board shall so far as practicable secure that the members of the DPCSP (taken together) are representative of the community in the DPCSP's police district.

(3) Where, following a local general election, the Policing Board has completed the arrangements for the appointment of the independent members of the DPCSP for a police district, it shall publish notice of the date which is to be the reconstitution date in relation to the DPCSP for that police district.

(4) Notice under sub-paragraph (3) shall be published in such manner as appears to the Policing Board appropriate for bringing it to the attention of interested persons.

(5) Subject to the following provisions of this paragraph, a person shall hold and vacate office as an independent member in accordance with the terms of that person's appointment.

(6) An independent member shall hold office until the day before the reconstitution date next following the member's appointment.

(7) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place that person is appointed.

(8) An independent member shall cease to hold office if that member—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) resigns by notice in writing to the council; or

(b) becomes disqualified for membership of the DPCSP.

(9) A person whose term of office as an independent member expires or who has resigned shall be eligible for re-appointment.

(10) Where an independent member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and paragraph 2(1) and sub-paragraphs (1) and (2) of this paragraph shall have effect subject to this sub-paragraph.

Commencement Information

I93 Sch. 2 para. 4 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

5.—(1) Where appointments are to be made of independent members of a DPCSP, the council shall nominate persons willing to be candidates for appointment.

(2) Unless otherwise agreed with the Policing Board, the number of persons to be nominated under sub-paragraph (1) on any occasion shall be twice the number of appointments to be made of independent members.

(3) The council shall notify the Policing Board of—

(a) the name of each person nominated by it under sub-paragraph (1); and

(b) such other information regarding those persons as it considers appropriate.

(4) In relation to each person nominated by it under sub-paragraph (1) the council shall also notify the Policing Board of—

(a) whether the person is also willing to be a candidate for appointment as an independent member of any other DPCSP;

(b) if the person is so willing, the DPCSP or DPCSPs concerned;

(c) whether the person is also willing to be a candidate for appointment as an independent member of the principal PCSP.

(5) A person shall not be nominated under sub-paragraph (1) if that person—

(a) is disqualified for membership of the DPCSP, or

(b) has not made a declaration against terrorism.

(6) Where the number of persons nominated by the council is less than twice the number of appointments to be made, the Policing Board may itself nominate such number of candidates as when added to the number nominated by the council equals twice the number of appointments to be made.

(7) If the Policing Board does so, paragraph 4(1) shall have effect as if those persons had been nominated by the council.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I94 Sch. 2 para. 5 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

6.—(1) In exercising functions under paragraphs 4 and 5, the council and the Policing Board shall have regard to any code of practice under this paragraph.

(2) The Department may issue, and from time to time revise, a code of practice containing guidance as to the exercise by the council and the Policing Board of their functions under paragraphs 4 and 5.

(3) Before issuing or revising a code of practice under this paragraph, the Department shall consult—

(a) the Policing Board;

(b) the council; and

(c) the Equality Commission for Northern Ireland.

(4) The Department shall arrange for any code of practice issued or revised under this paragraph to be published in such manner as appears to the Department to be appropriate.

Commencement Information

I95 Sch. 2 para. 6 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Representatives of designated organisations

7.—(1) A DPCSP must designate at least 4 organisations for the purposes of this paragraph.

(2) A DPCSP may at any time revoke a designation under sub-paragraph (1).

(3) The Department may by order designate organisations for the purposes of this paragraph.

(4) No order may be made under sub-paragraph (3) unless—

(a) the Department has consulted each DPCSP; and

(b) a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(5) An organisation for the time being designated by a DPCSP or by an order under sub-paragraph (3) must nominate a person to attend a meeting of the DPCSP or a committee appointed under paragraph 14.

(6) A person who is so nominated and attends a meeting is to be treated as a member of the DPCSP or the committee.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I96 Sch. 2 para. 7 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Removal of members

8.—(1) The Policing Board, or the council with the approval of the Policing Board, may remove a person ("P") from office as a political or independent member of a DPCSP if satisfied that—

(a) in the case of an independent member, P failed to make the necessary disclosure in relation to P's conviction for a criminal offence in Northern Ireland or elsewhere;

(b) in the case of an independent member, P has acted in breach of the terms of a declaration against terrorism;

(c) P has been convicted in Northern Ireland or elsewhere after the date of P's appointment of a criminal offence (whether committed before or after that date);

(d) P has become bankrupt or made a composition or arrangement with P's creditors;

(e) P has failed to comply with the terms of P's appointment; or

(f) P is otherwise unable or unfit to discharge P's functions as a member of the DPCSP.

(2) The "necessary disclosure", in relation to a conviction of an independent member, means full disclosure of it—

(a) before the nomination of that member, to the council which nominated that member; and

(b) before the appointment of that member, to the Policing Board.

(3) Section 6 of the Elected Authorities (Northern Ireland) Act 1989 (c. 3) applies to determine whether an independent member has acted in breach of the terms of a declaration against terrorism as it applies to determine whether a person who has made a declaration required for the purpose of section 3, 4 or 5 of that Act has acted in breach of the terms of the declaration.

(4) As applied by sub-paragraph (3), section 6 of the Elected Authorities (Northern Ireland) Act 1989 applies with the following modifications—

(a) in subsection (1), for the words from "after" to "the Assembly" substitute " when he is an independent member of a DPCSP ";

(b) omit subsection (4);

(c) in subsection (5), in the definition of "public meeting" after paragraph (c) insert—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(d) any meeting of a PCSP or a DPCSP or a committee of a PCSP or DPCSP (whether or not a meeting which the public is permitted to attend), and".

Commencement Information

I97 Sch. 2 para. 8 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Disqualification

9.—(1) A person is disqualified for being a political or independent member of a DPCSP if that person is—

(a) a police officer;

(b) a member of the police support staff;

(c) a member of the Policing Board; or

(d) an employee of the council.

(2) A person removed from office under paragraph 8(1) is disqualified for membership of a DPCSP until the date of the next local general election following that person's removal.

(3) A person is disqualified for being an independent member of a DPCSP if—

(a) that person has been convicted in Northern Ireland or elsewhere of any offence and a sentence of imprisonment or detention has been passed on that person, and

(b) the relevant period has not ended.

(4) The relevant period is the period of 5 years beginning with the person's discharge in respect of the offence.

(5) For the purposes of sub-paragraph (4) the following are to be treated as the discharge of a person (whether or not the release of that person is subject to conditions)—

(a) release on licence;

(b) release in pursuance of a grant of remission.

(6) Sub-paragraph (5) does not apply in relation to the release of a person in respect of an offence if that person is required to return to prison or detention for a further period in respect of the offence.

(7) Subject to sub-paragraph (8), the reference in sub-paragraph (3) to a sentence of imprisonment or detention does not include a suspended sentence.

(8) Sub-paragraph (7) does not apply in relation to a suspended sentence that has been ordered to take effect.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(9) In this paragraph "suspended sentence" means a sentence of imprisonment or detention that is ordered not to take effect unless the conditions specified in the order are met.

Commencement Information

I98 Sch. 2 para. 9 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Chair and vice-chair

10.—(1) For each DPCSP there shall be—

(a) a chair appointed by the council from among the political members; and

(b) a vice-chair elected by the independent members from among such members.

(2) In appointing to the office of chair, the council shall ensure that, so far as is practicable—

(a) a person is appointed to that office for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following that person's appointment;

(b) that office is held in turn by each of the four largest parties represented on the council immediately after the last local general election.

(3) A person may at any time resign as chair or vice-chair by notice in writing to the DPCSP.

(4) If the person holding office as chair or vice-chair ceases to be a member of the DPCSP, that person shall also cease to hold that office.

Commencement Information

I99 Sch. 2 para. 10 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Procedure of DPCSP

11.—(1) The quorum for a meeting of a DPCSP shall be one-quarter of the total number of members.

(2) Every question at a meeting of a DPCSP shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chair of the meeting shall have a second or casting vote.

(3) If the chair and vice-chair are absent from a meeting of a DPCSP, the members present shall elect one of their number to act as chair of the meeting.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Subject to sub-paragraphs (1) to (3) and to section 23, a DPCSP may regulate its own procedure.

Commencement Information

I100 Sch. 2 para. 11 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Policing committee: constitution

12.—(1) For each DPCSP there shall be a policing committee consisting of—

(a) the political members; and

(b) the independent members.

(2) For each policing committee there shall be—

(a) a chair who shall be the person who is for the time being chair of the DPCSP; and

(b) a vice-chair elected by the independent members from among such members.

(3) The election of the vice-chair shall be conducted in accordance with procedures determined by the policing committee under paragraph 13(4).

(4) Subject to the following provisions of this paragraph, a person shall hold and vacate office as vice-chair in accordance with such terms as the Policing Board may determine.

(5) In determining terms under sub-paragraph (4), the Policing Board shall ensure that, so far as practicable, a person holds office as vice-chair for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following that person's election to that office.

(6) A person may at any time resign as vice-chair by notice in writing to the Policing Board.

(7) If the person holding office as chair or vice-chair ceases to be a member of the policing committee, that person shall also cease to hold that office.

Commencement Information

I101 Sch. 2 para. 12 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Policing committee: procedure

13.—(1) The quorum for a meeting of a policing committee shall be 5.

(2) Every question at a meeting of a policing committee shall be determined by a majority of the votes of the members present and voting on the question, and in the

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

case of an equal division of the votes, the chair of the meeting shall have a second or casting vote.

(3) If the chair and vice-chair are absent from a meeting of a policing committee, the members present shall elect one of their number to act as chair of the meeting.

(4) Subject to sub-paragraphs (1) to (3) and to section 23, a policing committee may regulate its own procedure.

(5) A policing committee may—

(a) constitute committees of such 5 or more of its members as the policing committee may appoint; and

(b) delegate to a committee so constituted any of the functions exercisable by the policing committee.

(6) The powers of any sub-committee of a policing committee shall be exercised, and the proceedings of the sub-committee shall be regulated, in accordance with and subject to directions given by the policing committee.

Commencement Information

I102 Sch. 2 para. 13 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Other committees

14.—(1) A DPCSP may constitute other committees of its members; and references in this paragraph to a committee are to a committee so constituted.

(2) A DPCSP shall constitute a committee of its members if directed to do so by the principal PCSP.

(3) A committee of a DPCSP shall consist of 5 or more members of the DPCSP.

(4) The members of a committee of a DPCSP shall be appointed by the DPCSP.

(5) A DPCSP may delegate any of its functions (other than restricted functions) to a committee constituted by it.

(6) The powers of a committee of a DPCSP shall be exercised in accordance with and subject to directions given by the DPCSP.

(7) The proceedings of a committee of a DPCSP shall be regulated in accordance with and subject to directions given by the DPCSP.

(8) The approval of the principal PCSP is required to—

(a) the constitution of a committee under sub-paragraph (1);

(b) the members of a committee of a DPCSP to be appointed under sub-paragraph (4);

(c) the functions to be delegated to a committee under sub-paragraph (5);

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(d) the exercise by a committee of any functions delegated to it under sub-paragraph (5);

(e) the directions to be given to a committee under sub-paragraphs (6) and (7).

Commencement Information

I103 Sch. 2 para. 14 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Indemnities

15 The council may indemnify a member of a DPCSP in respect of liability incurred by that member in connection with the business of the DPCSP.

Commencement Information

I104 Sch. 2 para. 15 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Insurance against accidents

16.—(1) The council may insure against risks of a member of the DPCSP meeting with a personal accident, whether fatal or not, while engaged on the business of the DPCSP.

(2) Sub-paragraph (3) applies if the council receives a sum under any such insurance in respect of an accident to a member of the DPCSP.

(3) The council shall pay the sum to the member or the member's personal representatives, after deducting any expenses incurred in its recovery.

(4) The provisions of the Life Assurance Act 1774 (c. 48) as extended by the Life Insurance (Ireland) Act 1866 (c. 42) do not apply to any insurance under this paragraph.

Commencement Information

I105 Sch. 2 para. 16 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Expenses

17 The council may pay to members of a DPCSP such expenses as the council may determine.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I106 Sch. 2 para. 17 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Finance

18.—(1) The Department and the Policing Board shall for each financial year make to the council grants of such amounts as the joint committee may determine for defraying or contributing towards the expenses of the council in that year in connection with DPCSPs.

(2) A grant made by the Department or the Policing Board under this paragraph—

(a) shall be paid at such time, or in instalments of such amounts and at such times, and

(b) shall be made on such conditions,

as the joint committee may determine.

(3) A time determined under sub-paragraph (2)(a) may fall within or after the financial year concerned.

Commencement Information

I107 Sch. 2 para. 18 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Validity of proceedings

19 The validity of any proceedings of a DPCSP or a committee of a DPCSP shall not be affected by—

(a) any defect in the appointment of any member or in the appointment or election of the chair or vice-chair; or

(b) any vacancy in the office of chair or vice-chair or among the other members.

Commencement Information

I108 Sch. 2 para. 19 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Disclosure of pecuniary interests, family connections, etc.

20 Sections 28 to 33, 42, 46, 47 and 146 of the Local Government Act (Northern Ireland) 1972 (c. 9) (and section 148 of that Act so far as applying for the interpretation of those sections) apply to a DPCSP and its members as if—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) in those sections—

(i) any reference to a council were a reference to the DPCSP;

(ii) any reference to a councillor were a reference to a member of the DPCSP;

(iii) anyreference to the clerk of the council were a reference to the person acting as secretary of the DPCSP;

(b) in section 28(4) of that Act for the words from "by any local elector" to the end there were substituted the words " by any person ";

(c) in section 29 of that Act any reference to the Minister were a reference to the Department.

Commencement Information

I109 Sch. 2 para. 20 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

SCHEDULE 3

Section 35.

REGULATED MATCHES

1 In this Schedule—

"the IFA" means the Irish Football Association;

"the FAI" means the Football Association of Ireland;

"FIFA" means the Fédération Internationale de Football Association;

"the IRFU" means the Irish Rugby Football Union;

"gaelic game" means gaelic football (including international rules football), hurling or camogie;

"member" includes a full or associate member;

"UEFA" means Union des Associations Européennes de Football.

Commencement Information

I110 Sch. 3 para. 1 wholly in operation at 1.1.2012; Sch. 3 para. 1 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 1 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 1 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I111 Sch. 3 para. 1 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Association football

2 This paragraph applies to an association football match in which one or both participating teams represents a country or territory.

Commencement Information

I112 Sch. 3 para. 2 wholly in operation at 1.1.2012; Sch. 3 para. 2 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 2 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 2 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I113 Sch. 3 para. 2 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

3 This paragraph applies to an association football match in which one or both participating teams represents a club which is for the time being a member of—

(a) the IFA Premiership,

(b) the IFA Championship,

(c) the FAI Premier League, or

(d) the FAI First Division.

Commencement Information

I114 Sch. 3 para. 3 wholly in operation at 1.1.2012; Sch. 3 para. 3 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 3 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 3 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I115 Sch. 3 para. 3 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

4 This paragraph applies to an association football match in which one or both participating teams represents a club which is for the time being a member of—

(a) the Football League,

(b) the Football Association Premier League,

(c) the Football Conference,

(d) the Welsh Premier League,

(e) the Scottish Premier League, or

(f) the Scottish Football League.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I116 Sch. 3 para. 4 wholly in operation at 1.1.2012; Sch. 3 para. 4 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 4 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 4 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I117 Sch. 3 para. 4 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

5 This paragraph applies to an association football match—

(a) in which one or both participating teams is a member of, or affiliated to, a national football association which is a member of FIFA; and

(b) which is part of a competition or tournament organised by, or under the authority of—

(i) FIFA, or

(ii) UEFA.

Commencement Information

I118 Sch. 3 para. 5 wholly in operation at 1.1.2012; Sch. 3 para. 5 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 5 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 5 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I119 Sch. 3 para. 5 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

Gaelic games

6 This paragraph applies to a match in a gaelic game which is played at a sports ground which is designated as requiring a safety certificate under Part 2 of the Safety of Sports Grounds (Northern Ireland) Order 2006 (NI 2).

Commencement Information

I120 Sch. 3 para. 6 wholly in operation at 1.1.2012; Sch. 3 para. 6 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 6 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 6 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I121 Sch. 3 para. 6 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

7 This paragraph applies to a match in a gaelic game which is played outside Northern Ireland and—

(a) in which one or both participating teams represents a county; or

(b) which is an international rules football match.

Commencement Information

I122 Sch. 3 para. 7 wholly in operation at 1.1.2012; Sch. 3 para. 7 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 7 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 7 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I123 Sch. 3 para. 7 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

Rugby union

8 This paragraph applies to a rugby union match which—

(a) is subject to regulation by the IRFU, and

(b) is played at a sports ground which is designated as requiring a safety certificate under Part 2 of the Safety of Sports Grounds (Northern Ireland) Order 2006.

Commencement Information

I124 Sch. 3 para. 8 wholly in operation at 1.1.2012; Sch. 3 para. 8 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 8 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 8 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I125 Sch. 3 para. 8 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

9 This paragraph applies to a rugby union match—

(a) which is subject to regulation by the IRFU,

(b) which is played outside Northern Ireland, and

(c) in which one or both participating teams represents Ireland or Ulster Rugby.

Commencement Information

I126 Sch. 3 para. 9 wholly in operation at 1.1.2012; Sch. 3 para. 9 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 9 in operation for specified purposes at 1.8.2011 by S.R. 2011/224,

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

art. 3(a); Sch. 3 para. 9 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I127 Sch. 3 para. 9 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

SCHEDULE 4

Section 59.

PENALTY OFFENCES AND PENALTIES

Commencement Information

I128 Sch. 4 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(m)**

Offence	Penalty
An offence under section 9 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28) (indecent behaviour)	£40
An offence under section 1 of the Theft Act (Northern Ireland) 1969 (c. 16) (theft)	£80
An offence under Article 3(1) of the Criminal Damage (Northern Ireland) Order 1977 (NI 4) (criminal damage)	£80
An offence under Article 10(1) of the Criminal Justice (Northern Ireland) Order 1980 (NI 6) (drunk in a public place)	£40
An offence under Article 18(1)(a) of the Public Order (Northern Ireland) Order 1987 (NI 7) (disorderly behaviour)	£80
An offence under Article 18(1)(b) of the Public Order (Northern Ireland) Order 1987 (NI 7) (behaviour likely to cause a breach of the peace)	£80
An offence under section 66(1) of the Police (Northern Ireland) Act 1998 (c. 32) where it is alleged that the	£80

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

accused resisted, obstructed or impeded
a constable

PROSPECTIVE

SCHEDULE 5

Section 87.

ENHANCED LEGAL AID FEES FOR CERTAIN SOLICITORS

Power to provide for enhanced fee

1.—(1) Regulations under Article 22 or 36 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8) or an order under Schedule 2 to that Order may provide for the payment of an enhanced fee to a solicitor who—

(a) exercises a right of audience in a court or tribunal to which this Schedule applies;

(b) has been accredited by the Law Society under paragraph 2 in relation to that court or tribunal; and

(c) complied with the duties in paragraph 3.

(2) This Schedule applies to—

(a) the Crown Court;

(b) a county court;

(c) a magistrates' court; and

(d) a tribunal to which sub-paragraph (3) applies.

(3) This sub-paragraph applies to a tribunal if—

(a) it is a tribunal mentioned in Part 1 of Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8); or

(b) assistance by way of representation may be approved under Article 5 of that Order in respect of proceedings before the tribunal.

Accreditation of solicitors

2.—(1) The Law Society shall make regulations with respect to the education, training and experience to be undergone by solicitors seeking accreditation for the purposes of this paragraph in relation to a court or tribunal to which this Schedule applies.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) A person who is qualified to act as a solicitor may apply to the Law Society for accreditation under this paragraph in relation to a court or tribunal to which this Schedule applies.

(3) An application under sub-paragraph (2)—

(a) shall be made in such manner as may be prescribed;

(b) shall be accompanied by such information as the Law Society may reasonably require for the purpose of determining the application; and

(c) shall be accompanied by such fee (if any) as may be prescribed.

(4) At any time after receiving the application and before determining it the Law Society may require the applicant to provide it with further information.

(5) The Law Society shall grant accreditation under this paragraph in relation to a court or tribunal if it appears to the Law Society, from the information furnished by the applicant and any other information it may have, that the applicant has complied with the requirements applicable to the applicant in relation to that court or tribunal by virtue of regulations under sub-paragraph (1).

(6) Accreditation granted to a person under this paragraph ceases to have effect if, and for so long as, that person is not qualified to act as a solicitor.

(7) The Law Society may by regulations provide that any person who has completed such education, training or experience as may be prescribed, before such date as may be prescribed shall be taken to be accredited under this paragraph in relation to a prescribed court or tribunal.

(8) Every entry in the register kept under Article 10 of the Solicitors (Northern Ireland) Order 1976 (NI 12) shall include details of any accreditation granted under this paragraph to the solicitor to whom the entry relates.

Duties of solicitor

3.—(1) Sub-paragraph (2) applies where—

(a) either—

(i) a criminal aid certificate or civil aid certificate is granted under the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 to a person in any proceedings in a court or tribunal to which this Schedule applies; or

(ii) assistance by way of representation is approved in respect of a person under Article 5 of that Order in relation to proceedings in such a court or tribunal;

(b) that certificate or approval entitles that person ("the client") to be represented by counsel or by a solicitor accredited under paragraph 2 in relation to that court or tribunal; and

(c) either—

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(i) the client's solicitor is minded to arrange for another solicitor who is accredited in relation to that court or tribunal to provide that representation; or

(ii) the client's solicitor is accredited in relation to that court or tribunal and is minded to provide that representation.

(2) The client's solicitor must advise the client in writing—

(a) of the advantages and disadvantages of representation by an accredited solicitor and by counsel, respectively; and

(b) that the decision as to whether an accredited solicitor or counsel is to represent the client is entirely that of the client.

(3) The Law Society shall make regulations with respect to the giving of advice under sub-paragraph (2).

(4) A solicitor shall—

(a) in advising a client under sub-paragraph (2), act in the best interest of the client; and

(b) give effect to any decision of the client referred to in sub-paragraph (2)(b).

(5) Where—

(a) a solicitor has complied with sub-paragraph (2) in relation to the representation of a client in any proceedings in a court or tribunal, and

(b) that client is to be represented in those proceedings by an accredited solicitor,

the solicitor shall inform the court or tribunal of the fact mentioned in paragraph (a) in such manner and before such time as the relevant rules may require.

(6) For the purposes of this paragraph compliance with sub-paragraph (2) or (5) in relation to any proceedings in a court or tribunal in any cause or matter is to be taken to be compliance with that sub-paragraph in relation to any other proceedings in that court in the same cause or matter.

(7) If a solicitor contravenes this paragraph, any person may make a complaint in respect of the contravention to the Solicitors Disciplinary Tribunal.

Regulations

4.—(1) Regulations under this Schedule require the concurrence of—

(a) the Lord Chief Justice; and

(b) the Department, given after consultation with the Attorney General.

(2) The Department shall not grant its concurrence to any regulations under paragraph 2(1) or 2(7) unless regulations have been made under paragraph 3(3) and are in operation.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Consequential amendments

5 The Department may by order make such amendments to—

(a) the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8); or

(b) Schedule 3 to the Access to Justice (Northern Ireland) Order 2003 (NI 10),

as appear to the Department to be necessary or expedient in consequence of, or for giving full effect to, the provisions of this Schedule.

Interpretation

6 In this Schedule—

"accredited solicitor", in relation to any court or tribunal, means a solicitor who is accredited under paragraph 2 in relation to that court or tribunal;

"the client" has the meaning given in paragraph 3(1)(b);

"the Law Society" means the Incorporated Law Society of Northern Ireland;

"prescribed" means prescribed by regulations made by the Law Society;

"relevant rules" means—

(a) in relation to the Crown Court, Crown Court rules,

(b) in relation to a county court, county court rules or family proceedings rules,

(c) in relation to a magistrates' court, magistrates' courts rules,

(d) in relation to a tribunal, the rules regulating the practice and procedure of the tribunal.

SCHEDULE 6

Section 109.

TRANSITIONAL AND SAVING PROVISIONS

Offender levy

1 A provision in Chapter 1 of Part 1 does not apply in relation to an offence committed before the commencement of that provision.

Vulnerable and intimidated witnesses

2.—(1) The amendments made by sections 7 to 11 apply to proceedings instituted before the commencement of the amendment in question.

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) But the amendments made by sections 7 to 11 do not affect the continued operation of a special measures direction given before the commencement of the amendment in question.

(3) Sub-paragraph (2) does not prevent an amendment made by sections 7 to 11 from applying after its commencement to—

(a) the variation under Article 8 of the Criminal Evidence (Northern Ireland) Order 1999 (NI 8) of a special measures direction that was given in relation to a witness before the commencement of the amendment, and

(b) the giving of a new special measures direction in relation to a witness (including the giving of a new direction in a case where a special measures direction given in relation to the witness in question has been discharged under Article 8 of that Order after the commencement of the amendment).

(4) In this paragraph "special measures direction" means a direction under Article 7 of the Criminal Evidence (Northern Ireland) Order 1999.

Banning orders

3 A banning order may not be made under section 41 where the offence mentioned in subsection (1) of that section was committed before the commencement of that section.

Increase in penalties

4.—(1) Section 51(2) does not apply in relation to an offence committed before the commencement of that subsection.

(2) Section 52 does not apply in relation to an offence committed before the commencement of that section.

Conditions of sex offender licence

5 Section 54 applies in relation to offenders released on licence under Article 26 of the Criminal Justice (Northern Ireland) Order 1996 (NI 24) before the commencement of that section, but does not apply in relation to a failure to comply with a condition of a licence which occurs before that commencement.

Commencement Information

I129 Sch. 6 para. 5 wholly in operation at 5.5.2011; Sch. 6 para. 5 in operation at 5.5.2011 see s. 111(1)(e); Sch. 6 para. 5 in operation at 5.7.2011 by S.R. 2011/224, **art. 2(i)**

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Serious and specified offences

6 Section 57 does not apply in relation to an offence committed before the commencement of that section.

Alternatives to prosecution

7 A provision in Chapter 1 or 2 of Part 6 does not apply in relation to an offence committed before the commencement of that provision.

Witness summonses

8 Section 100 applies in relation to any criminal proceedings before a magistrates' court for the purposes of which no summons requiring the attendance of a witness has been issued before the commencement of that section.

Accounts of the Law Commission

9 Section 102 applies in relation to accounts for the financial year in which that section comes into operation and subsequent financial years.

SCHEDULE 7 Section 110.

MINOR AND CONSEQUENTIAL AMENDMENTS

The Vagrancy Act 1824 (c. 83)

1 In section 4(i) of the Vagrancy Act 1824 for "arrestable offence" substitute " indictable offence ".

The Judicature (Northern Ireland) Act 1978 (c. 23)

2 In section 82(1) (rules as to funds in court)—

(a) in paragraphs (c) and (d) for "81(b)(ii)" substitute " 81(1)(b)(ii) "; and

(b) in paragraph (k) for "81(a)(iv)" substitute " 81(1)(a)(iv) ".

The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)

3.—(1) In Article 29(1)(l) (right to claim trial by jury for certain offences) after "139A(1)" insert " or (2) ".

(2) In Article 29(1) after sub-paragraph (n) insert—

"(o) section 93 of the Justice (Northern Ireland) Act 2010."

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

The Commissioner for Complaints (Northern Ireland) Order 1996 (NI 7)

4 In Schedule 2 at the appropriate place in alphabetical order insert— " A policing and community safety partnership or a district policing and community safety partnership. ".

Commencement Information

I130 Sch. 7 para. 4 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(d)**

The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)

5 In Article 28(1)(a) (interim disqualification) for "Article 11 of the Treatment of Offenders (Northern Ireland) Order 1989" substitute " Article 3 of the Criminal Justice (Northern Ireland) Order 1996 ".

The Employment Rights (Northern Ireland) Order 1996 (NI 16)

6 In Article 78(2) for sub-paragraph (f) substitute—

"(f) a policing and community safety partnership or a district policing and community partnership,".

Commencement Information

I131 Sch. 7 para. 6 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(d)**

The Criminal Evidence (Northern Ireland) Order 1999 (NI 8)

7 In Article 15(5) (consequences of admitting video recording) in sub-paragraph (a)(i) for "otherwise than by testimony in court" substitute " in any recording admissible under Article 16 ".

Commencement Information

I132 Sch. 7 para. 7 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(h)**

The Police (Northern Ireland) Act 2000 (c. 32)

8.—(1) In section 22(3) for "district policing partnership" substitute " policing and community safety partnership ".

(2) In section 22(3A) for "sub-group established for the district under section 21" substitute " district policing and community safety partnership ".

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In section 25(3)(a) for "district policing partnerships" substitute " policing committees of policing and community safety partnerships ".

(4) In section 25(3) for paragraph (b) substitute—

"(b) consider—

(i) any reports received by the Board under Part 3 of the Justice Act (Northern Ireland) 2011; and

(ii) any views of the public obtained under arrangements made under that Part.".

(5) In section 57(2)(i) for "district policing partnerships" substitute " policing and community safety partnerships and district policing and community safety partnerships ".

(6) In section 57(2) for paragraph (j) substitute—

"(j) the effectiveness of policing and community safety partnerships and district policing and community safety partnerships in performing their functions and in particular the effectiveness of arrangements made under Part 3 of the Justice Act (Northern Ireland) 2011 in obtaining—

(i) the views of the public about matters concerning policing; and

(ii) the co-operation of the public with the police in preventing crime.".

(7) In Schedule 1, in paragraphs 3(7)(b) and 10(1)(b) for sub-paragraphs (iii) and (iv) substitute—

"(iii) a member of a policing and community safety partnership or a district policing and community safety partnership.".

Commencement Information

I133 Sch. 7 para. 8 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(d)**

The Freedom of Information Act 2000 (c. 36)

9 In Part 7 of Schedule 1 at the appropriate place in alphabetical order insert— " A policing and community safety partnership or a district policing and community safety partnership established under Part 3 of the Justice (Northern Ireland) Act 2011. ".

Commencement Information

I134 Sch. 7 para. 9 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(d)**

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002 (NI 3)

10.—(1) In Article 9(1)—

(a) omit sub-paragraph (a);

(b) in sub-paragraph (b) for "such a partnership" substitute " a policing and community safety partnership or district policing and community safety partnership established by it ".

(2) In paragraph (4) omit the definitions of "community safety partnership" and "relevant community safety partnership".

Commencement Information

I135 Sch. 7 para. 10 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(d)**

The Proceeds of Crime Act 2002 (c. 29)

11 In section 195N(1) (as inserted by section 57(2) of the Policing and Crime Act 2009) for "195N" substitute " 195M ".

The Sexual Offences Act 2003 (c. 42)

12.—(1) In section 116(2)(b) (qualifying offenders for foreign travel orders) after "31" insert " or 92S ".

(2) In section 124 (interpretation) omit subsection (8).

The Anti-social Behaviour (Northern Ireland) Order 2004 (NI 12)

13 In Article 6C(3) (special measures for witnesses: modifications of Part 2 of the Criminal Evidence (Northern Ireland) Order 1999)—

(a) in sub-paragraph (b) for "Article 9(1)(b) and (5) to (7)" substitute " Article 9(4C)(e) ", and

(b) for sub-paragraph (c) substitute—

"(c) Article 10A,".

Commencement Information

I136 Sch. 7 para. 13 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(h)**

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

The Criminal Justice (Northern Ireland) Order 2008 (NI 1)

14 In Schedule 3 (supervised activity orders) in paragraph 1(a) after "order" (in the second place where it occurs) insert " and the notice has not been withdrawn ".

Commencement Information

I137 Sch. 7 para. 14 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(h)**

The Sexual Offences (Northern Ireland) Order 2008 (NI 2)

15.—(1) In Article 74(1)(a) (sexual penetration of a corpse) for "his penis" substitute " a part of his body or anything else ".

(2) In Article 76 (offences outside the UK)—

(a) in paragraph (2) for "national" in each place where it occurs substitute " resident ";

(b) in paragraph (3)(a) after "national" insert " or a United Kingdom resident ".

SCHEDULE 8 Section 110.

REPEALS

PART 1

VULNERABLE AND INTIMIDATED WITNESSES

Commencement Information

I138 Sch. 8 Pt. 1 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(i)**

Short Title	Extent of repeal
The Criminal Evidence (Northern Ireland) Order 1999 (NI 8)	Article 9(1)(b). In Article 9(4) the "and" at the end of sub-paragraph (b). Article 9(5) to (7). Article 10(1)(b). In Article 15(7)(a) the words from "if there" to "relevant time,". Article 15(8).

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

	In Article 15(9) the words from "and if" to the end.

PART 2

POLICING AND COMMUNITY SAFETY PARTNERSHIPS

Commencement Information

I139 Sch. 8 Pt. 2 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(e)**

Short Title	Extent of repeal
The Commissioner for Complaints (Northern Ireland) Order 1996 (NI 7)	In Schedule 2, the entries relating to a district policing partnership and a sub-group established under section 21 of the Police (Northern Ireland) Act 2000.
The Employment Rights (Northern Ireland) Order 1996 (NI 16)	Article 78(7A).
The Police (Northern Ireland) Act 2000 (c. 32)	Section 3(3)(d)(ii) and (iii). Sections 14(1) to (4). Sections 15 to 19. Section 21. Section 23. Schedule 3. In Schedule 6, paragraphs 14 and 25(3).
The Freedom of Information Act 2000 (c. 36)	In Part 7 of Schedule 1, the entries relating to a district policing partnership and a sub-group established under section 21 of the Police (Northern Ireland) Act 2000.
The Justice (Northern Ireland) Act 2002 (c. 26)	In section 71(2) the words "and section 72". Section 72.
The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002 (NI 3)	Article 9(1)(a). In Article 9(4) the definitions of "community safety partnership" and "relevant community safety partnership".

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

The Police (Northern Ireland) Act 2003 (c. 6)	Sections 14 to 19. In section 44(3) the words "15(6), 16(2), 19(2) or". Section 44(4). In section 44(5) the words "15(6), 16(2), 19(2),". Schedule 1.
The District Policing Partnerships (Northern Ireland) Order 2005 (NI 4)	The whole Order.
The Northern Ireland (St. Andrews Agreement) Act 2006 (c. 53)	Section 20. Section 27(6). Schedules 8 and 9.

PROSPECTIVE

PART 3

LEGAL AID, ETC.

Short Title	Extent of repeal
The Legal Aid (Northern Ireland) Order 2005 (NI 19)	In Schedule 1, paragraph 5.
The Access to Justice (Northern Ireland) Order 2003 (NI 10)	In Article 7(1) the words "and Article 41". In Article 12(2) the words "but this paragraph is subject to Article 41". Article 41. In Schedule 2, in paragraph 2(i), the words ", the Asylum and Immigration Tribunal or".

PROSPECTIVE

PART 4

SOLICITORS' RIGHTS OF AUDIENCE

Short Title	Extent of repeal

Status: *Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

The County Courts (Northern Ireland) Order 1980 (NI 3).	In Article 50(1)(c), the words “, but not a solicitor retained as an advocate by a solicitor so acting”.

PART 5

MISCELLANEOUS

Commencement Information

I140 Sch. 8 Pt. 5 wholly in operation at 5.7.2011; Sch. 8 Pt. 5 in operation at 5.5.2011 for specified purposes see s. 111(1)(i); Sch. 8 Pt. 5 in operation at 5.7.2011 for further specified purposes see s. 111(2)(d); Sch. 8 Pt. 5 in operation for specified purposes at 5.7.2011 by S.R. 2011/224, **art. 2(k)**

Short Title	Extent of repeal
The Vagrancy Act 1824 (c. 83)	In section 4(i) the words “being armed with any dangerous or offensive weapon, or”.
The Offences against the Person Act 1861 (c. 100)	Section 43.
The Judicature (Northern Ireland) Act 1978 (c. 23)	In section 54(1) the word “and” at the end of paragraph (e).
The Criminal Justice Act 1988 (c. 33)	Section 139A(7)(b).
The Justice (Northern Ireland) Act 2002 (c. 26)	In Schedule 9— (a) paragraph 6(3)(b) and the word “and” immediately preceding it; (b) paragraph 6(4) and (4A).
The Sexual Offences Act 2003 (c. 42)	Section 124(8).
The Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006 (NI 14)	Article 2(2)(c).
The Criminal Justice (Northern Ireland) Order 2008 (NI 1)	Article 90(4).

Status:
Point in time view as at 10/05/2013. This version of this Act contains provisions that are prospective.

Changes to legislation:
Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.