

*These notes refer to the Justice Act (Northern Ireland)
2011 (c.24) which received Royal Assent on 4 May 2011*

Justice Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9: Miscellaneous

This Part contains miscellaneous provisions.

Section 91: Bail: compassionate grounds

This section gives magistrates' courts the power to grant defendants compassionate bail. Previously, only the High Court or Crown Court had the jurisdiction to do so.

Section 92: Bail: repeat application

This section allows repeat bail applications to be heard by the Crown Court (i.e. where bail has been refused by the magistrates' court and there has not been a change in circumstances).

Section 93: Possession of offensive weapon with intent to commit an offence

This section replaces part of section 4 of the Vagrancy Act 1824, the offence of being armed with a dangerous or offensive weapon with intent to commit an arrestable offence. It creates an equivalent, free-standing offence with increased penalties of up to 4 years' imprisonment; an unlimited fine; or both on conviction on indictment.

Section 94: Power of Department to make payments in relation to prevention of crime, etc.

This section gives the Department of Justice the power to allocate the proceeds of criminal assets, remitted to the NI Consolidated Fund, up to a limit to be agreed between the Department of Finance and Personnel and HM Treasury to prevent crime and reduce the fear of crime and to support the recovery of criminal assets.

Section 95: Publication of material relating to legal proceedings

This section enables court rules to be made on disclosure of information relating to family proceedings concerning children without the need for a court order

authorising the disclosure. This disclosure will be between specified persons and in specified circumstances.

Section 96: Membership of Crown Court Rules Committee

This section provides for a Public Prosecutor nominated by the Director of Public Prosecutions and a practising member of the Bar or practising solicitor nominated by the Attorney General for Northern Ireland to be included within the membership of the Crown Court Rules Committee.

Section 97: Membership of the Court of Judicature Rules Committee

This section provides for the Attorney General for Northern Ireland or a practising member of the Bar or practising solicitor nominated by the Attorney General for Northern Ireland to be included within the membership of the Court of Judicature Rules Committee.

Section 98: Funds in court: investment fees or expenses

This section gives the court a power to order the payment, from funds held under the court's protective jurisdiction on behalf of minors and patients, of any fees or expenses (at an amount or rate approved by the court) incurred in connection with or for the purposes of the investment of those funds in securities by the Accountant General of the Court of Judicature. The court shall not make such an order unless it is necessary and proportionate to do so and the court may also order the refund of any fees which have been deducted where it is in the interests of justice to do so.

Section 99: Appeals from Crown Court: Proceeds of Crime Act 2002

This section makes provision for appeals from the Crown Court (following committal to that court for consideration of a confiscation order under section 219 of the Proceeds of Crime Act) to be dealt with by the Court of Appeal.

Section 100: Witness summons in a magistrates' court

This section allows magistrates' courts to consider applications for third party disclosure in respect of any evidence that may be of use to a party to the proceedings in presenting their case. This brings the powers of the magistrates' courts into line with those available to the Crown Court.

Section 101: Criminal conviction certificates to be given to employers

This section enables AccessNI to issue a copy of a criminal conviction certificate (or basic disclosure) to an employer in addition to issuing the certificate to the applicant.

Section 102: Accounts of the Law Commission

This section removes the requirement for the Northern Ireland Law Commission to produce a full set of audited accounts, removing the need for the Comptroller & Auditor General for Northern Ireland to undertake separate examination and certification. A requirement remains to include a financial summary within their annual report.

Section 103: Variation of firearms certificate

This section allows variations to firearms certification to be made by a dealer where the individual is exchanging firearms of a similar type and calibre. The dealer must then notify the PSNI. Previously this was available for only shotguns however this section extends it to all firearms other than prohibited weapons.

Section 104: Restrictions on use of shotguns by young persons

This section allows persons under the age of 18 to shoot shotguns in certain supervised situations. The person acting as the supervisor must be over the age of 18 and hold a firearms certificate authorising them to possess such a shotgun as is being used.

Section 105: Restrictions on possession of air guns by young persons

This section changes the age restrictions on possessing a low power air gun. It provides that all individuals under 18 are to be supervised if they possess such an air gun. The section also lowers the age of a person who can act as the supervisor to someone 18 years or older and introduces a new requirement that the supervisor must hold a firearms certificate authorising them to possess such an air gun.