Status: *Point in time view as at 14/03/2016. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Justice Act (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 08 May 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) 2015

2015 CHAPTER 9

An Act to provide for a single jurisdiction for county courts and magistrates' courts; to amend the law on committal for trial; to provide for prosecutorial fines; to make provision in relation to victims and witnesses in criminal proceedings and investigations; to amend the law on criminal records and live links; to provide for violent offences prevention orders; to make other amendments relating to the administration of civil and criminal justice; and for connected purposes. [24th July 2015]

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

PART 1

SINGLE JURISDICTION FOR COUNTY COURTS AND MAGISTRATES' COURTS

VALID FROM 31/10/2016

Single jurisdiction: abolition of county court divisions and petty sessions districts

1.—(1) Northern Ireland is no longer to be divided into county court divisions and petty sessions districts.

Status: *Point in time view as at 14/03/2016. This version of this Act contains provisions that are not valid for this point in time.*
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(2) The jurisdiction and powers of a county court or a magistrates' court are exercisable throughout the whole of Northern Ireland.

VALID FROM 31/10/2016

Administrative court divisions

2.—(1) The Department, after consultation with the Lord Chief Justice, shall by directions divide Northern Ireland into areas to be known as administrative court divisions.

(2) The directions may specify different administrative court divisions for different courts and for different purposes of the same court and, in particular, may specify administrative court divisions—

(a) for all purposes of a court;

(b) for specified purposes of a court (for example for the purposes of a county court sitting as a family care centre or a court of summary jurisdiction sitting as a family proceedings court);

(c) for the residual purposes of a court (that is to say for all purposes other than those dealt with under paragraph (b)).

(3) For the purposes of this section "court" means—

(a) a county court;

(b) a magistrates' court.

(4) Each administrative court division established by directions under this section is to be known by such name as is specified in the directions.

VALID FROM 31/10/2016

Directions as to distribution of business

3.—(1) The Lord Chief Justice may give directions as to—

(a) the distribution of the business of county courts among such courts;

(b) the transfer of such business from one county court to another;

(c) the distribution of the business of magistrates' courts among such courts;

(d) the transfer of such business from one magistrates' court to another.

(2) For the purpose of subsection (1) "the business of county courts" includes—

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(a) all such proceedings and matters whatsoever (whether civil or criminal) as under any statutory provision are to be heard by a county court (of any description);

(b) all such other things as under any statutory provision are to be done by, or in relation to, a county court (of any description).

(3) For the purpose of subsection (1) "the business of magistrates' courts" includes—

(a) all such proceedings and matters whatsoever (whether civil or criminal) as under any statutory provision are to be heard by a magistrates' court (of any description);

(b) all such other things as under any statutory provision are to be done by, or in relation to a magistrates' court (of any description).

(4) The Department may give directions as to—

(a) the distribution among chief clerks of the functions exercisable under any statutory provision by a chief clerk;

(b) the distribution among clerks of petty sessions of the functions exercisable under any statutory provision by a clerk of petty sessions.

(5) In any statutory provision—

(a) a reference, in connection with any proceedings or matter, to the chief clerk is a reference to the chief clerk who, in accordance with directions under subsection (4), is to act in relation to those proceedings or that matter;

(b) a reference, in connection with any proceedings or matter, to the clerk of petty sessions is a reference to the clerk of petty sessions who, in accordance with directions under subsection (4), is to act in relation to those proceedings or that matter.

VALID FROM 31/10/2016

Lay magistrates

4.—(1) The Northern Ireland Judicial Appointments Commission must appoint persons to be lay magistrates.

(2) A lay magistrate shall—

(a) be appointed for an administrative court division which is specified under section 2 for all or the residual purposes of a magistrates' court; but

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(b) have as regards the whole of Northern Ireland the jurisdiction and duties which immediately before commencement were vested in or imposed on a lay magistrate as regards a county court division.

(3) Accordingly, so much of any existing statutory provision as requires or authorises anything to be done by, or in relation to, a lay magistrate acting for a particular county court division shall be disregarded; and that thing may be done by, or in relation to, any lay magistrate.

(4) A lay magistrate shall sit in courts in accordance with directions given by the Lord Chief Justice; and in giving such directions the Lord Chief Justice is to have regard to the desirability of a lay magistrate sitting in courts held in reasonable proximity to where the lay magistrate lives or works.

(5) A person may not be appointed to be a lay magistrate unless that person—

(a) has completed a course of training approved by the Lord Chief Justice after consultation with the Department, or

(b) has given an undertaking in writing to attend such a course of training.

(6) It is a condition of the appointment of a person under subsection (5)(b) that the person will complete such a course of training within the period of one year beginning with the date of appointment or such longer period as the Lord Chief Justice may, after consulting the Department, allow.

(7) The Department may, after consultation with the Lord Chief Justice, by order make further provision about eligibility for appointment as a lay magistrate.

(8) The provision which may be made by an order under subsection (7) includes (in particular) provision that a person ("P") may not be appointed to be a lay magistrate—

(a) if P, or a person related to or otherwise connected with P in a prescribed manner—

(i) holds an office of a prescribed description,

(ii) has an occupation of a prescribed description, or

(iii) has been selected as a candidate for election to a prescribed body,

(b) if P is, under the law of any part of the United Kingdom—

(i) an undischarged bankrupt or a person whose estate has been sequestered under an order which has not been discharged,

(ii) subject to a bankruptcy restrictions order or an interim bankruptcy restrictions order, or

(iii) subject to a moratorium period under a debt relief order or subject to a debt relief restrictions order or an interim debt relief restrictions order,

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(c) if P has been convicted of a prescribed offence, or

(d) if P does not live or work in, or within a prescribed distance of, the administrative court division for which P is to be appointed,

unless the Department, after consultation with the Lord Chief Justice, otherwise determines in P's particular case.

(9) In subsection (8) "prescribed" means prescribed in an order under subsection (7).

(10) An act by a person appointed to be a lay magistrate is not invalidated by reason only that that person is not a lay magistrate because that person was not eligible to be appointed.

(11) A lay magistrate ceases to hold office on attaining the age of 70.

(12) An act by a person who has been a lay magistrate is not invalidated by reason only that that person has ceased to hold office under subsection (11).

(13) The Department must pay to lay magistrates any such allowances as it may determine.

(14) The Lord Chief Justice, Lords Justices of Appeal, judges of the High Court and county court judges may exercise any function of a lay magistrate.

VALID FROM 31/10/2016

Justices of the peace

5.—(1) There shall be a commission of the peace for Northern Ireland—

(a) issued under the Great Seal of Northern Ireland; and

(b) addressed generally, and not by name, to all such persons as may from time to time hold office as justices of the peace for Northern Ireland.

(2) Justices of the peace for Northern Ireland—

(a) shall be appointed by the Department by instrument on behalf and in the name of Her Majesty, and

(b) may be removed from office in the same manner.

(3) A justice of the peace shall have as regards the whole of Northern Ireland the jurisdiction and duties which immediately before commencement were vested in or imposed on a justice of the peace as regards a county court division.

(4) Accordingly, so much of any existing statutory provision as requires or authorises anything to be done by, or in relation to, a justice of the peace acting for a particular county court division shall be disregarded; and that thing may be done by, or in relation to, any justice of the peace.

(5) The Department shall make arrangements—

(a) for keeping a copy of any instrument appointing or removing a justice of the peace; and

(b) for keeping, and from time to time rectifying, a record of all persons for the time being holding office as justice of the peace.

Consequential amendments

6.—(1) Schedule 1 (which contains amendments consequential on the preceding provisions of this Part) has effect.

(2) The Department may by order make such supplementary, incidental or consequential provision as it considers appropriate in consequence of, or for giving full effect to, this Part.

(3) An order under subsection (2) may amend, repeal, revoke or otherwise modify any statutory provision.

Commencement Information

I1 S. 6(2) in operation at 30.9.2015 by S.R. 2015/324, **art. 3(a)**

I2 S. 6(3) in operation at 30.9.2015 by S.R. 2015/324, **art. 3(a)**

PROSPECTIVE

PART 2

COMMITTAL FOR TRIAL

[F1]CHAPTER 1

RESTRICTION ON HOLDING OF PRELIMINARY INVESTIGATIONS AND MIXED COMMITTALS

Textual Amendments

F1 Pt. 2 Ch. 1 repealed (17.10.2022) by Criminal Justice (Committal Reform) Act (Northern Ireland) 2022 (c. 4), s. 5(2), **Sch. para. 18(a)**; S.R. 2022/221, art. 2(d)

Preliminary investigations

7 . . . . . .

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Mixed committals: evidence on oath at preliminary inquiry

8 . . . . . .

CHAPTER 2

DIRECT COMMITTAL FOR TRIAL IN CERTAIN CASES

Application of this Chapter

Application of this Chapter

9.—(1) Subject to subsection (3), this Chapter applies where a person ("the accused") appears or is brought before a magistrates' court charged with an offence and **[**[F2]one**]** of the conditions mentioned in subsection (2) is satisfied.

(2) Those conditions are—

(a) that the offence is an offence triable only on indictment; or

[[F3](aa) that the offence is an indictable offence to which Article 45 of the Magistrates' Courts (Northern Ireland) Order 1981 or Article 17 of the Criminal Justice (Children) (Northern Ireland) Order 1998 applies; or**]**

(b) that the offence is a summary offence and—

(i) the accused claims, in accordance with Article 29 of the Magistrates' Courts (Northern Ireland) Order 1981 or any other statutory provision, to be tried on indictment;

(ii) the prosecutor exercises any right conferred by any statutory provision to claim that the accused is to be tried on indictment; or

(iii) it is otherwise determined that the accused is to be tried on indictment.

(3) But this Chapter does not apply where—

(a) notice has been given in relation to the offence under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or Article 4 of the Children's Evidence (Northern Ireland) Order 1995;

(b) in the case of an adult, the court is to deal summarily with the offence under Article 45 of the Magistrates' Courts (Northern Ireland) Order 1981;

(c) in the case of a child, the court is to deal summarily with the offence under Article 17 of the Criminal Justice (Children) (Northern Ireland) Order 1998.

(4) In this section "summary offence" has the meaning given by Article 2(2) of the Magistrates' Courts (Northern Ireland) Order 1981.

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Textual Amendments

F2 Word in s. 9(1) substituted (13.5.2016) by Justice Act (Northern Ireland) 2016 (c. 21), **ss. 57(2)**, 61(1)

F3 S. 9(2)(aa) inserted (13.5.2016) by Justice Act (Northern Ireland) 2016 (c. 21), **ss. 57(3)**, 61(1)

Direct committal for trial: guilty pleas

Direct committal: indication of intention to plead guilty

10.—(1) Where—

(a) this Chapter applies in relation to an accused charged with an offence,

(b) the court has not begun to conduct committal proceedings in relation to the offence, and

(c) the accused indicates to the court an intention to plead guilty to the offence,

the court shall forthwith commit the accused to the Crown Court for trial for the offence (and accordingly shall not conduct committal proceedings in relation to that offence).

(2) Where the court commits an accused for trial for an offence under this section, the functions of the court then cease in relation to that offence, except as provided by—

(a) the following provisions of this section;

(b) section 13; or

(c) Article 29(2)(a) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 or any regulations under Article 26(3) of the Access to Justice (Northern Ireland) Order 2003.

(3) A court committing an accused for trial for an offence under this section may order—

(a) the making of such inquiries, and

(b) the preparation, and sending to the Crown Court sitting at the specified place of trial, of such reports,

as appear to the court to be appropriate in connection with the sentencing of the accused for that offence (should the accused plead guilty to that offence on arraignment in the Crown Court).

(4) Where—

(a) an accused is committed for trial for an offence under this section, and

(b) on arraignment the accused does not plead guilty to the offence,

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the Crown Court shall make an order annulling the committal for trial of the accused for that offence.

(5) Where the Crown Court makes an order under subsection (4)—

(a) any count in the indictment relating to the charge for that offence against the accused is quashed;

(b) subject to subsection (6), the magistrates' court shall again have the functions in relation to the accused and the offence which it would have had if the accused had not been committed for trial under this section (and the proceedings against the accused shall, as far as practicable, resume from the point immediately before the accused was committed for trial);

(c) the Crown Court shall remand the accused, in custody or on bail, to appear before the magistrates' court as soon as is practicable;

(d) the annulment of the committal for trial does not affect the lawfulness of anything done on foot of that committal (such as the remanding of the accused in custody or on bail).

(6) Subsection (1) does not apply where a magistrates' court resumes proceedings against an accused under subsection (5).

Direct committal for trial: specified offences

Direct committal: specified offences

11.—(1) Where—

(a) this Chapter applies in relation to an accused charged with an offence, and

(b) the offence is a specified offence,

the court shall forthwith commit the accused to the Crown Court for trial for the offence (and accordingly shall not conduct committal proceedings in relation to that offence).

(2) Where the court commits an accused for trial for an offence under this section, the functions of the court then cease in relation to that offence, except as provided by—

(a) section 13; or

(b) Article 29(2)(a) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 or any regulations under Article 26(3) of the Access to Justice (Northern Ireland) Order 2003.

(3) For the purposes of this Chapter a specified offence is—

(a) murder;

(b) manslaughter;

(c) an offence—

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(i) of aiding, abetting, counselling, procuring or inciting the commission of an offence specified above;

(ii) of conspiring to commit an offence so specified;

(iii) of attempting to commit an offence so specified;

(iv) under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to an offence specified above.

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

Direct committal for trial: offences related to specified offences

Direct committal: offences related to specified offences

12.—(1) Where—

(a) this Chapter applies in relation to an accused ("A") who—

(i) is charged with an offence ("offence A") which is not a specified offence, and

(ii) is not also charged with a specified offence,

(b) A appears or is brought before the court on the same occasion as another person ("B") charged with a specified offence,

(c) the court commits B for trial for the specified offence under section 11, and

(d) offence A appears to the court to be related to the specified offence for which the court commits B for trial,

the court shall forthwith commit A to the Crown Court for trial for offence A.

(2) Where—

(a) this Chapter applies in relation to an accused ("A") who—

(i) is charged with an offence ("offence A") which is not a specified offence, and

(ii) is not also charged with a specified offence,

(b) on a previous occasion another person ("B") has appeared or been brought before the court charged with a specified offence,

(c) the court has on that occasion committed B for trial for the specified offence under section 11, and

(d) offence A appears to the court to be related to the specified offence for which the court committed B for trial,

the court may forthwith commit A to the Crown Court for trial for offence A if the court considers that it is necessary or appropriate in the interests of justice to do so.

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(3) Where the court commits the accused for trial for an offence under this section—

(a) it shall accordingly not conduct committal proceedings in relation to that offence; and

(b) the functions of the court then cease in relation to that offence, except as provided by—

(i) section 13; or

(ii) Article 29(2)(a) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 or any regulations under Article 26(3) of the Access to Justice (Northern Ireland) Order 2003.

(4) For the purposes of this section an offence is related to a specified offence if a count charging the offence could be included in the same indictment as a count charging the specified offence.

Direct committal for trial: procedures

Direct committal: procedures

13.—(1) The court committing a person for trial to the Crown Court under this Chapter shall specify in a notice ("the notice of committal")—

(a) the charge or charges on which the person is committed for trial;

(b) the place (determined under section 48(1) of the Judicature (Northern Ireland) Act 1978) at which that person is to be tried;

(c) such other matters as magistrates' court rules under subsection (2)(b) may require.

(2) Magistrates' court rules—

(a) shall provide that, where a person is committed for trial under this Chapter on any charge or charges—

(i) a copy of the notice of committal is given to that person and to the Crown Court sitting at the specified place of trial; and

(ii) copies of the documents containing the evidence on which the charge or charges are based are given to that person and to that court, either at the same time as the copy of the notice of committal or as soon as practicable thereafter; and

(b) may make such further provision in relation to notices of committal, including provision as to the matters to be included in such notices and the duties of a court in relation to such notices.

(3) Paragraphs (3) and (4) of Article 37 of the Magistrates' Court (Northern Ireland) Order 1981 and Articles 51(3) and 134 of that Order (which relate to committal for trial on bail or in custody) apply in relation to a person committed

for trial under this Chapter as they apply in relation to a person committed for trial under paragraph [F4]... (2) of Article 37 of that Order (committal for trial after committal proceedings).

Textual Amendments

F4 Words in s. 13(3) repealed (17.10.2022) by Criminal Justice (Committal Reform) Act (Northern Ireland) 2022 (c. 4), s. 5(2), **Sch. para. 18(b)**; S.R. 2022/221, art. 2(d)

Specified offences: application to dismiss

14.—(1) A person who is committed for trial on any charge or charges under section 11 or 12 may, at any time—

(a) after that person is served with copies of the documents containing the evidence on which the charge or charges are based; and

(b) before that person is arraigned (and whether or not an indictment has been presented against that person),

apply orally or in writing to the Crown Court sitting at the specified place of trial for the charge, or any of the charges, in the case to be dismissed.

(2) The judge shall dismiss a charge (and accordingly quash any count relating to it in any indictment presented against the applicant) if it appears to the judge that the evidence against the applicant would not be sufficient for the applicant to be properly convicted.

(3) No oral application may be made under subsection (1) unless the applicant has given the Crown Court sitting at the specified place of trial written notice of intention to make the application.

(4) Oral evidence may be given on such an application only with the leave of the judge or by order of the judge; and the judge shall give leave or make an order only if it appears to the judge, having regard to any matters stated in the application for leave, that the interests of justice require it.

(5) If the judge gives leave permitting, or makes an order requiring, a person to give oral evidence, but that person does not do so, the judge may disregard any document indicating the evidence that that person might have given.

(6) Dismissal of the charge, or all the charges, against the applicant has the same effect as a refusal by a magistrates' court to commit for trial; except that no further proceedings may be brought on a dismissed charge except by means of the presentment of an indictment such as is specified in paragraph (c), (d) or (e) of section 2(2) of the Grand Jury (Abolition) Act (Northern Ireland) 1969.

(7) Crown Court rules may make provision for the purposes of this section and may in particular make provision—

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(a) as to the time or stage in the proceedings at which anything required to be done is to be done (unless the court grants leave to do it at some other time or stage);

(b) as to the contents and form of notices or other documents;

(c) as to the manner in which evidence is to be submitted; and

(d) as to persons to be served with notices or other material.

Restrictions on reporting applications for dismissal

15.—(1) Except as provided by this section—

(a) no written report of an application under section 14(1) shall be published in Northern Ireland;

(b) no report of such an application shall be included in a relevant programme for reception in Northern Ireland.

(2) The judge dealing with an application under section 14(1) may order that subsection (1) shall not apply, or shall not apply to a specified extent, to a report of the application.

(3) Where an accused objects to the making of an order under subsection (2), the judge shall make the order if (and only if) satisfied after hearing the representations of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.

(4) Subsection (1) does not apply where the application is successful.

(5) Where—

(a) two or more persons are jointly charged, and

(b) applications under section 14(1) are made by more than one of them,

subsection (4) shall have effect as if for the words “the application is” there were substituted “ all the applications are ”.

(6) Subsection (1) does not apply to—

(a) the publication of a report of an unsuccessful application made under section 14(1),

(b) the inclusion in a relevant programme of a report of an unsuccessful application made under section 14(1),

at the conclusion of the trial of the accused or of the last of the accused to be tried.

(7) Subsection (1) does not apply to a report which contains only one or more of the following matters—

(a) the identity of the court and the name of the judge;

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(b) the names, ages, home addresses and occupations of the accused and witnesses;

(c) the offence or offences, or a summary of them, with which the accused is or are charged;

(d) the names of counsel and solicitors in the proceedings;

(e) where the proceedings are adjourned, the date and place to which they are adjourned;

(f) any arrangements as to bail;

(g) whether legal aid was granted to the accused or any of the accused.

(8) The addresses that may be published or included in a relevant programme under subsection (7) are addresses—

(a) at any relevant time, and

(b) at the time of their publication or inclusion in a relevant programme;

and "relevant time" here means a time when events giving rise to the charges to which the proceedings relate occurred.

(9) Nothing in this section affects any prohibition or restriction imposed by virtue of any other statutory provision on a publication or on matter included in a programme.

(10) If a report is published or included in a relevant programme in contravention of this section each of the following persons is guilty of an offence—

(a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;

(b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;

(c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.

(11) A person guilty of an offence under this section is liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

(12) Proceedings for an offence under this section shall not be instituted otherwise than by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(13) In this section—

(a) "publish", in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;

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(b) "relevant programme" means a programme included in a programme service, within the meaning of the Broadcasting Act 1990.

Supplementary and consequential provisions

16.—(1) Schedule 2 (which contains amendments consequential on the preceding provisions of this Chapter) has effect.

(2) Subject to subsection (3), any statutory provision which applies to a person who has been committed for trial under the Magistrates' Courts (Northern Ireland) Order 1981 applies also to a person who has been committed for trial under this Chapter.

(3) Subsection (2) does not apply—

(a) to a provision in the Magistrates' Courts (Northern Ireland) Order 1981 (except as provided by section 13(3));

(b) to a provision which is amended by Schedule 2 to make express provision for persons committed for trial under this Chapter.

(4) In this Chapter, in relation to a person committed for trial, references to the specified place of trial are references to the place specified in the notice of committal under section 13(1) or such other place as is substituted for it by a direction under section 48(2) or (3) of the Judicature (Northern Ireland) Act 1978.

PROSPECTIVE

PART 3

PROSECUTORIAL FINES

Prosecutorial fine

Prosecutorial fine: notice of offer

17.—(1) Where a Public Prosecutor receives a report that a summary offence has been committed and that the alleged offender was at the time of the offence aged over 18, the Public Prosecutor may issue a notice to that person offering that person the opportunity of receiving a prosecutorial fine notice in respect of that offence.

(2) Where a Public Prosecutor receives a report that—

(a) a number of summary offences have been committed by an alleged offender,

(b) the offences all arise out of the same circumstances, and

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(c) the alleged offender was at the time of the offences aged over 18,

the Public Prosecutor may issue a notice to that person offering that person the opportunity of receiving a prosecutorial fine notice in respect of all the offences.

(3) In subsections (1) and (2) "summary offence" means an offence which is punishable on summary conviction, whether or not it is also triable on indictment.

(4) A notice under subsection (1) 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) state the amount of the prosecutorial fine for that offence and each of the amounts referred to in paragraphs (a) and (b) of section 19(1) or (in the case of an offence falling within section 19(2)) each of the amounts referred to in paragraphs (a), (b) and (c) of section 19(2);

(d) indicate that the alleged offender may accept or decline the offer by giving notice to the Public Prosecutor within 21 days of the date on which the notice was issued;

(e) indicate that if the offer is declined, or no notice is served under paragraph (d) within the period mentioned in that paragraph, the alleged offender is liable to be prosecuted for the offence;

(f) indicate that if the offer is accepted—

(i) the alleged offender will be discharged from liability to be prosecuted for the offence; and

(ii) a prosecutorial fine notice will be issued to the offender under section 18; and

(g) state the effect of section 20(1) and (2).

(5) A notice under subsection (2) must—

(a) state the alleged offences;

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

(c) state the amount of the prosecutorial fine for all the offences and each of the amounts referred to in paragraphs (a) and (b) of section 19(3) or (in a case where section 19(4) applies) each of the amounts referred to in paragraphs (a), (b) and (c) of section 19(4);

(d) indicate that the alleged offender may accept or decline the offer by giving notice to the Public Prosecutor within 21 days of the date on which the notice was issued;

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(e) indicate that if the offer is declined, or no notice is served under paragraph (d) within the period mentioned in that paragraph, the alleged offender is liable to be prosecuted for the offences;

(f) indicate that if the offer is accepted—

(i) the alleged offender will be discharged from liability to be prosecuted for the offences; and

(ii) a prosecutorial fine notice will be issued to the offender under section 18; and

(g) state the effect of section 20(3) and (4).

Prosecutorial fine notice

18.—(1) Where a person has accepted the offer under section 17(1) or (2), the Public Prosecutor must issue a prosecutorial fine notice to that person.

(2) Where a person has accepted an offer under section 17(1), a "prosecutorial fine notice" is a notice which—

(a) states the alleged offence;

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

(c) states the amount of the prosecutorial fine for the offence and each of the amounts referred to in paragraphs (a) and (b) of section 19(1) or (in the case of an offence falling within section 19(2)) each of the amounts referred to in paragraphs (a), (b) and (c) of section 19(2);

(d) requires payment of the prosecutorial fine within the period allowed for payment (see subsection (4)); and

(e) states the fines clerk to whom, and the address at which, the prosecutorial fine may be paid.

(3) Where a person has accepted an offer under section 17(2), a "prosecutorial fine notice" is a notice which—

(a) states the alleged offences;

(b) gives such particulars of the circumstances alleged to constitute the offences as are necessary to provide reasonable information about them;

(c) states the amount of the prosecutorial fine for all the offences and each of the amounts referred to in paragraphs (a) and (b) of section 19(3) or (in a case where section 19(4) applies) each of the amounts referred to in paragraphs (a), (b) and (c) of section 19(4);

(d) requires payment of the prosecutorial fine within the period allowed for payment (see subsection (4)); and

(e) states the fines clerk to whom, and the address at which, the prosecutorial fine may be paid.

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(4) The period allowed for payment of a prosecutorial fine is the period of 28 days beginning with the date on which the prosecutorial fine notice relating to that fine was issued.

(5) A Public Prosecutor who issues a prosecutorial fine notice must send a copy of that notice to the fines clerk mentioned in the notice under subsection (2)(e) or (3)(e).

Amount of prosecutorial fine

19.—(1) Except as provided by subsection (2), for the purposes of a notice under section 17(1) or 18(2), the amount of the prosecutorial fine in respect of any offence is the aggregate of—

(a) such amount as the Public Prosecutor determines appropriate having regard to the circumstances of the offence; and

(b) an offender levy of £10.

(2) In respect of an offence under Article 3(1) of the Criminal Damage (Northern Ireland) Order 1977, the amount of the prosecutorial fine for those purposes is the aggregate of—

(a) such amount as the Public Prosecutor determines appropriate having regard to the circumstances of the offence;

(b) an offender levy of £10; and

(c) such amount (if any) as the Public Prosecutor determines appropriate to compensate any person in respect of any damage to the property of that person as a result of the offence.

(3) Except as provided by subsection (4), for the purposes of a notice under section 17(2) or 18(3), the amount of the prosecutorial fine in respect of all the offences is the aggregate of—

(a) such amount as the Public Prosecutor determines appropriate having regard to the circumstances of the offences; and

(b) an offender levy of £10.

(4) Where one or more of the offences is an offence under Article 3(1) of the Criminal Damage (Northern Ireland) Order 1977, the amount of the prosecutorial fine for those purposes is the aggregate of—

(a) such amount as the Public Prosecutor determines appropriate having regard to the circumstances of the offences;

(b) an offender levy of £10; and

(c) such amount (if any) as the Public Prosecutor determines appropriate to compensate any person or persons in respect of any damage to their property as a result of the offence or offences.

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(5) The amount determined under subsection (1)(a), (2)(a), (3)(a) or (4)(a) may not exceed the amount for the time being of level 1 on the standard scale.

(6) The amount determined under subsection (2)(c) or (4)(c) may not exceed the amount for the time being specified in Article 14(11) of the Criminal Justice (Northern Ireland) Order 1994 (maximum compensation under compensation order made by a magistrates' court).

(7) In section 6(3) of the Justice Act (Northern Ireland) 2011 (power to increase amount of offender levy) at the end add " and the amount specified in section 19(1)(b), (2)(b), (3)(b) and (4)(b) of the Justice Act (Northern Ireland) 2015 ".

Restrictions on prosecutions

20.—(1) Proceedings for the offence to which a notice under section 17(1) relates may not be brought before the end of the period of 21 days beginning with the date on which the notice was issued.

(2) If the offer in a notice under section 17(1) is accepted, no proceedings may be brought for the offence to which the notice relates.

(3) Proceedings for any of the offences to which a notice under section 17(2) relates may not be brought before the end of the period of 21 days beginning with the date on which the notice was issued.

(4) If the offer in a notice under section 17(2) is accepted, no proceedings may be brought for any of the offences to which the notice relates.

Payment of prosecutorial fine

Payment of prosecutorial fine

21.—(1) Payment of a prosecutorial fine must be made to, or at the office of, the fines clerk specified in the prosecutorial fine notice relating to that fine; and references in this Part, in relation to any prosecutorial fine or prosecutorial fine notice, to the fines clerk are to the fines clerk specified in the prosecutorial fine notice relating to that prosecutorial fine or (as the case may be) in that prosecutorial fine notice.

(2) Without prejudice to payment by any other method, payment of a prosecutorial fine may be made by properly addressing, pre-paying and posting a letter containing the prosecutorial fine notice and the amount of the fine 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 fines clerk at the address specified in the prosecutorial fine notice as the address at which the fine may be paid.

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(4) Except in a case to which subsection (5) or (6) applies, sums paid by way of a prosecutorial fine for an offence shall be treated as if they were fines imposed on summary conviction of that offence.

(5) Where—

(a) the offence in respect of which a prosecutorial fine notice is issued under section 18(2) is an offence under Article 3(1) of the Criminal Damage (Northern Ireland) Order 1977, and

(b) in calculating the prosecutorial fine an amount has been included under paragraph (c) of section 19(2),

the fines clerk must arrange for that amount to be paid to the person mentioned in that paragraph.

(6) Where—

(a) the offences in respect of which a prosecutorial fine notice is issued under section 18(3) include one or more offences under Article 3(1) of the Criminal Damage (Northern Ireland) Order 1977; and

(b) in calculating the prosecutorial fine an amount has been included under paragraph (c) of section 19(4),

the fines clerk must arrange for that amount to be paid to the person mentioned in that paragraph or, if more than one person is so mentioned, to those persons in such proportions as the Public Prosecutor may determine.

Non-payment of prosecutorial fine

Failure to pay prosecutorial fine

22.—(1) This section applies if—

(a) a prosecutorial fine notice is issued to a person under section 18; and

(b) by the end of the period allowed for payment, the fine has not been paid in accordance with this Part.

(2) The enhanced sum may be registered under section 24 for enforcement against that person as a fine.

(3) The fines clerk must notify the Director of Public Prosecutions for Northern Ireland that the prosecutorial fine has not been paid.

(4) Except in a case falling within subsection (5) or (7), the enhanced sum is a sum equal to one and a half times the amount of the prosecutorial fine.

(5) Where—

(a) the offence to which the prosecutorial fine notice issued under section 18(2) relates is an offence under Article 3(1) of the Criminal Damage (Northern Ireland) Order 1977; and

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(b) in calculating the prosecutorial fine an amount has been included under section 19(2)(c),

the enhanced sum is the amount specified in subsection (6).

(6) That amount is the aggregate of—

(a) one and a half times the amount determined by the Public Prosecutor under section 19(2)(a);

(b) one and a half times the amount mentioned in section 19(2)(b); and

(c) the amount determined by the Public Prosecutor under section 19(2)(c).

(7) Where—

(a) the offences to which a prosecutorial fine notice issued under section 18(3) relates includes one or more offences under Article 3(1) of the Criminal Damage (Northern Ireland) Order 1977; and

(b) in calculating the prosecutorial fine an amount has been included under section 19(4)(c),

the enhanced sum is the amount specified in subsection (8).

(8) That amount is the aggregate of—

(a) one and a half times the amount determined by the Public Prosecutor under section 19(4)(a);

(b) one and a half times the amount mentioned in section 19(4)(b); and

(c) the amount determined by the Public Prosecutor under section 19(4)(c).

Registration certificates

23.—(1) This section and section 24 apply where by virtue of section 22 an enhanced sum may be registered under section 24 for enforcement against any person as a fine.

(2) In this section and section 24—

(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 Director of Public Prosecutions for Northern Ireland—

(a) may in respect of any sum payable in default issue a certificate (a "registration certificate") stating that the sum is registrable under section 24 for enforcement against the defaulter as a fine; and

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

(4) A registration certificate must—

(a) give particulars of the offence or offences to which the prosecutorial fine notice relates; and

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

Registration of sum payable in default

24.—(1) Where the fines 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 fines 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 **[**[F5]28 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 23(4)(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.

[[F6](3A) The fines clerk must refer the case to a district judge (magistrates' courts) for the judge to consider whether to make a collection order; and the order may be made without a court hearing.

(3B) Where a collection order is made in that case, the date specified in the order as the date by which the sum due must be paid must, unless the court directs otherwise, be the same as the date specified in the notice of registration under subsection (2)(a).**]**

(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 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.

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Textual Amendments

F5 Words in s. 24(2)(a) substituted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 2 para. 8(1)**; S.R. 2018/99, art. 2(c) (but this amendment cannot take effect until the commencement of 2015 c. 9 (NI), s. 24)

F6 S. 24(3A)(3B) inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 2 para. 8(2)**; S.R. 2018/99, art. 2(c) (but this amendment cannot take effect until the commencement of 2015 c. 9 (NI), s. 24)

Challenge to notice of registration

25.—(1) This section applies where—

(a) a person who has received notice of the registration of a sum under section 24 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 fines clerk.

(2) The statutory declaration must state that the person making the declaration was not the person to whom the relevant prosecutorial fine notice was issued.

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

(4) References in this section to the relevant prosecutorial fine notice are to the prosecutorial fine notice relating to the prosecutorial fine concerned.

(5) Subsection (6) applies where, on the application of a person who has received notice of the registration of a sum under section 24 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).

(6) 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).

(7) 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 **[**[F7](including the making of a collection order)**]** .

(8) For the purposes of this section, a person shall be taken to receive notice of the registration of a sum under section 24 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.

(9) 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 Part which is not in fact authorised by this Part in the circumstances of the case.

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

Textual Amendments

F7 Words in s. 25(7) inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 2 para. 8(3)**; S.R. 2018/99, art. 2(c) (but this amendment cannot take effect until the commencement of 2015 c. 9 (NI), s. 25)

Setting aside of sum enforceable under section 24

26.—(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 24.

(2) Where a court sets aside such a sum—

(a) the notice under section 17(1) or (2), the prosecutorial fine notice concerned, the registration and any proceedings taken for enforcing payment of the fine shall be void; but

(b) no further action is to be taken in respect of the alleged offence or offences that gave rise to the notice under section 17(1) or (2) and the prosecutorial fine notice concerned.

(3) 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 **[**[F8](including the making of a collection order)**]** .

Textual Amendments

F8 Words in s. 26(3) inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 2 para. 8(4)**; S.R. 2018/99, art. 2(c) (but this amendment cannot take effect until the commencement of s. 26)

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Interpretation

Interpretation of this Part

27 In this Part—

[[F9]"collection order" means an order under section 3 of the Justice Act (Northern Ireland) 2016;**]**

"the fines clerk" means the clerk of petty sessions or such other person as the Department may by order appoint (and see also section 21(1));

"the period allowed for payment" has the meaning given in section 18(4);

"prosecutorial fine notice" has the meaning given in section 18(2) and (3);

"Public Prosecutor" has the meaning given in section 29(5) of the Justice (Northern Ireland) Act 2002;

"registration certificate" has the meaning given in section 23(3).

Textual Amendments

F9 Words in s. 27 inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 2 para. 8(5)**; S.R. 2018/99, art. 2(c) (but this amendment cannot take effect until the commencement of 2015 c. 9 (NI), s. 27)

PART 4

VICTIMS AND WITNESSES

The Victim Charter and the Witness Charter

The Victim Charter

28.—(1) The Department must issue a Victim Charter.

(2) The Charter must set out—

(a) the services which are to be provided to victims by specified criminal justice agencies and the standards which are to be expected in relation to those services;

(b) the standards which are to be expected in relation to the treatment of victims by such agencies.

(3) In particular the Charter must include provision for a victim—

(a) to be treated with courtesy, dignity and respect;

(b) to be informed about the services available to victims;

(c) to be informed about—

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(i) the progress of relevant proceedings, and the reasons for any delay in those proceedings, at such intervals or at such times as are specified;

(ii) the final outcome of relevant proceedings, within such time as is specified;

(d) where in the course of relevant proceedings a decision is taken not to prosecute a person in respect of the criminal conduct concerned, to be given the reasons for that decision within such time as is specified;

(e) to be informed about any special measures which may be available to the victim under Article 4 or 5 of the Criminal Evidence (Northern Ireland) Order 1999 if called as a witness in criminal proceedings arising out of the criminal conduct concerned;

(f) to be informed about the opportunity to make a victim statement under section 33;

(g) to have considered by an independent body any complaint against a criminal justice agency in relation to any provision of the Charter which has not been resolved by that agency.

(4) The Charter may restrict the application of any of its provisions and, in particular, may restrict the application of any of its provisions to—

(a) specified descriptions of victims;

(b) victims of specified offences or descriptions of conduct;

(c) specified criminal justice agencies;

(d) cases where the criminal conduct concerned has been reported to the police.

(5) The Charter may provide for exceptions to its provisions, including in particular exceptions for the purpose of—

(a) ensuring compliance with any statutory provision or order of a court;

(b) avoiding jeopardising any criminal investigation or criminal proceedings;

(c) avoiding endangering any individual.

(6) The Charter may include provision requiring or permitting the services which are to be provided to a victim to be provided to one or more other persons as well as the victim.

(7) The Charter may not require anything to be done by—

(a) a person acting in a judicial capacity;

(b) a person acting in the discharge of a function of a member of the Public Prosecution Service for Northern Ireland which involves the exercise of a discretion.

(8) In this section "criminal justice agency" means a body or person which has any functions relating to—

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(a) victims; or

(b) any other aspect of the criminal justice system.

(9) A criminal justice agency must, in carrying out any functions mentioned in subsection (8), have regard to the Charter.

(10) In this section—

"criminal conduct concerned", in relation to a victim, is to be construed in accordance with section 29(1);

"relevant proceedings", in relation to a victim, means the investigation into the criminal conduct concerned, the taking of a decision whether to prosecute any person in respect of that criminal conduct and any criminal proceedings taken against any person in respect of that criminal conduct;

"specified" means specified in the Victim Charter.

Commencement Information

I3 S. 28 in operation at 1.9.2015 by S.R. 2015/320, **art. 2(a)**

Meaning of victim

29.—(1) Subject to subsections (3) to (6), in section 28 "victim" means an individual who is a victim of criminal conduct; and, in relation to a victim, references to "the criminal conduct concerned" are to be construed accordingly.

(2) In determining whether an individual is a victim of criminal conduct, it is immaterial that no person has been charged with or convicted of an offence in respect of the conduct.

(3) If (whether as a result of the criminal conduct concerned or not)—

(a) the physical or mental state of a victim is such that it is unreasonable to expect the victim to act on his or her own behalf, or

(b) a victim has died,

references in section 28 to the victim are to be read as references to a member of the family of the victim.

(4) If a victim is under the age of 18, references in section 28 to the victim are to be read as including references to a parent of the victim.

(5) Subsection (3)(a) and subsection (4) do not apply in any case where a criminal justice agency determines that it would not be in the best interests of the victim for that provision to apply.

(6) The Victim Charter may make provision—

(a) as to the persons who are to be treated as members of the family of the victim for the purposes of subsection (3) and the identification of the person who is to act for the purposes of that subsection;

(b) for criminal justice agencies, in circumstances specified in the Charter, to treat any other person as if that person were the victim (either instead of or in addition to the actual victim or a person who would fall to be treated as the victim under subsection (3) or (4)).

(7) Nothing in this section enables or requires an individual to be treated as a victim if that individual is under investigation for, or has been charged with, an offence arising from the criminal conduct concerned.

(8) In this section—

"criminal conduct" means conduct constituting an offence;

"criminal justice agency" has the meaning given by section 28(8);

"parent", in relation to a child, includes a person who has parental responsibility for the child (within the meaning of the Children (Northern Ireland) Order 1995).

Commencement Information

I4 S. 29 in operation at 1.9.2015 by S.R. 2015/320, **art. 2(b)**

VALID FROM 30/12/2016

The Witness Charter

30.—(1) The Department must issue a Witness Charter.

(2) The Charter must set out—

(a) the services which are to be provided to witnesses in criminal investigations and criminal proceedings by specified criminal justice agencies and the standards which are to be expected in relation to those services;

(b) the standards which are to be expected in relation to the treatment of witnesses by such agencies.

(3) The Charter may restrict the application of any of its provisions and, in particular, may restrict the application of any of its provisions to—

(a) specified descriptions of witnesses;

(b) witnesses in criminal investigations of, or criminal proceedings for, specified offences or descriptions of conduct;

(c) specified criminal justice agencies.

(4) The Charter may provide for exceptions to its provisions, including in particular exceptions for the purpose of—

(a) ensuring compliance with any statutory provision or order of a court;

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(b) avoiding jeopardising any criminal investigation or criminal proceedings;

(c) avoiding endangering any individual.

(5) The Charter may include provision requiring or permitting the services which are to be provided to a witness to be provided to one or more other persons instead of or in addition to the witness.

(6) The Charter may not require anything to be done by—

(a) a person acting in a judicial capacity;

(b) a person acting in the discharge of a function of a member of the Public Prosecution Service for Northern Ireland which involves the exercise of a discretion.

(7) In this section "criminal justice agency" means a body or person which has any functions relating to—

(a) witnesses in criminal investigations or criminal proceedings; or

(b) any other aspect of the criminal justice system.

(8) A criminal justice agency must, in carrying out any functions mentioned in subsection (7), have regard to the Charter.

(9) In this section—

"defendant", in relation to any criminal proceedings, means a person who has been charged with, or convicted of, a criminal offence in the proceedings;

"specified" means specified in the Witness Charter;

"witness" means a person (other than the defendant) who—

(a) has witnessed criminal or other conduct in relation to which that person may be or has been called to give evidence in criminal proceedings;

(b) is able to provide or has provided information or any other thing which might assist a criminal investigation or which might be or has been used in evidence in criminal proceedings; or

(c) for any other reason is called or might be called to give evidence in criminal proceedings.

Procedure for issuing Charters

31.—(1) This section applies in relation to a Charter required to be issued under section 28 or 30.

(2) After preparing the Charter, the Department must lay the Charter before the Assembly.

(3) The Charter comes into operation on such date as the Department may by order appoint.

(4) The Department may revise a Charter which is in operation; and subsections (2) and (3) apply to a revised Charter as they apply to the Charter as first prepared.

Commencement Information

I5 S. 31 in operation at 1.9.2015 by S.R. 2015/320, **art. 2(c)**

Effect of non compliance

32.—(1) If a criminal justice agency fails to comply with the Charter issued under section 28 or 30, the failure does not of itself make the agency liable to criminal or civil proceedings.

(2) But the Charter is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to comply with the Charter in determining a question in the proceedings.

Commencement Information

I6 S. 32 in operation at 1.9.2015 by S.R. 2015/320, **art. 2(d)**

Victim statements

Persons to be afforded opportunity to make victim statement

33.—(1) A natural person against whom an offence has been committed or is alleged to have been committed ("the victim") is to be afforded an opportunity to make a statement under this section.

(2) If (whether as a result of the offence or not)—

(a) the physical or mental state of the victim is such that it is unreasonable to expect the victim to act on his or her own behalf, or

(b) the victim has died,

a member of the family of the victim is to be afforded an opportunity to make a statement under this section.

(3) If the victim is under the age of 18, a parent of the victim is to be afforded an opportunity to make a statement under this section in addition to the victim.

(4) Where subsection (2)(a) or (3) applies such other person as may be determined under or in accordance with regulations may, in prescribed circumstances, be afforded the opportunity to make a statement under this

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section (in addition to or instead of any person entitled to be afforded that opportunity under that subsection).

(5) Where subsection (2)(b) applies such other person as may be determined under or in accordance with regulations may, in prescribed circumstances, be afforded the opportunity to make a statement under this section (in addition to or instead of any person entitled to be afforded that opportunity under that subsection).

(6) The opportunity to make a statement under this section is to be afforded—

(a) by the prescribed body or person; and

(b) at such time and in such manner as may be prescribed.

(7) Nothing in this section or regulations under this section requires an opportunity to be afforded where in all the circumstances of the case it is impracticable for the prescribed body or person to do so.

(8) A statement under this section—

(a) is to be made in writing;

(b) is referred to in this Part as a victim statement;

(c) if made by a person under subsection (1), (2)(b) or (5), is a statement as to the way in which, and degree to which, the offence or alleged offence has affected and continues to affect, the person making the statement and members of the victim's family;

(d) if made by a person under subsection (2)(a), (3) or (4), is a statement as to the way in which, and degree to which, the offence or alleged offence has affected and continues to affect, the victim. and members of the victim's family.

(9) Regulations may provide that, except in prescribed cases or circumstances, paragraphs (c) and (d) of subsection (8) are to have effect with the omission of the words “and members of the victim's family”.

(10) The provisions of the Victim Charter referred to in section 29(6)(a) apply for the purposes of subsections (2) and (8)(c) and (d) as they apply for the purposes of subsection (3) of section 29.

(11) In this section—

“parent”, in relation to a child, includes a person who has parental responsibility for the child (within the meaning of the Children (Northern Ireland) Order 1995);

“prescribed” means prescribed by regulations;

“regulations” means regulations made by the Department.

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Commencement Information

I7 S. 33 in operation at 1.9.2015 by S.R. 2015/320, **art. 2(e)**

Supplementary statement

34.—(1) The Department may by regulations make provision for a person who has made a victim statement in relation to an offence to be afforded on request an opportunity to make a statement supplementary to, or in amplification of, the victim statement.

(2) The regulations may in particular make provision as to the time at which, manner in which and person or body by which that opportunity is to be afforded; but the regulations may not require an opportunity to be afforded where in all the circumstances of the case it is impracticable to do so.

(3) References in section 35 to a victim statement include references to any statement made under this section in relation to that statement.

Commencement Information

I8 S. 34 in operation at 1.9.2015 by S.R. 2015/320, **art. 2(f)**

Use of victim statement

35.—(1) The Department may by regulations make provision in relation to the provision of a copy of any victim statement made in respect of an offence to the defence and the court.

(2) Where a person is convicted of an offence by or before a court, the court must in determining the sentence in respect of the offence have regard to so much of any victim statement provided to it in accordance with regulations under subsection (1) as it considers to be relevant to that offence.

Commencement Information

I9 S. 35 in operation at 1.9.2015 by S.R. 2015/320, **art. 2(g)**

Status: *Point in time view as at 14/03/2016. This version of this Act contains provisions that are not valid for this point in time.*
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Information sharing

Disclosure for purposes of victim and witness support services and victim information schemes

36 Schedule3 (which makes provision for the disclosure of information for the purposes of victim and witness support services and victim information schemes) has effect.

PART 5

CRIMINAL RECORDS

Restriction on information provided to certain persons

37.—(1) The following provisions are repealed—

(a) section 101 of the Justice Act (Northern Ireland) 2011 (which, if commenced, would insert section 112(2A) into the Police Act 1997 requiring copies of certain criminal conviction certificates to be given to employers etc.);

(b) section 113A(4) of the Police Act 1997 (requirement to send copy of criminal record certificate to registered person); and

(c) section 113B(5) and (6) of that Act (requirement to give relevant information, and copy of enhanced criminal record certificate to registered person).

(2) After section 120AB of the Police Act 1997 (procedure for certain cancellations or suspensions of registration) insert—

"**120AC Registered persons: information on progress of an application**

(1) The Department must, in response to a request from a person who is acting as the registered person in relation to an application under section 113A or 113B, inform that person whether or not a certificate has been issued in response to the application.

(2) Subsections (3) and (4) apply if, at the time a request is made under subsection (1), a certificate has been issued.

(3) In the case of a certificate under section 113A, if it was a certificate stating that there is no relevant matter recorded in central records, the Department may inform the person who made the request that the certificate was such a certificate.

(4) In the case of a certificate under section 113B, if it was a certificate—

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(a) stating that there is no relevant matter recorded in central records and no information provided in accordance with subsection (4) of that section, and

(b) if section 113BA(1) or 113BB(1) applies to the certificate, containing no suitability information indicating that the person to whom the certificate is issued—

(i) is barred from regulated activity relating to children or to vulnerable adults, or

(ii) is included in a list kept under Article 70(2)(e)(iii) or 88A(2)(b)(iii) of the Education and Libraries (Northern Ireland) Order 1986,

the Department may inform the person who made the request that the certificate was such a certificate.

(5) If no certificate has been issued, the Department must inform the person who made the request of such other matters relating to the processing of the application as the Department considers appropriate.

(6) Subject to subsections (2) to (4), nothing in this section permits the Department to inform a person who is acting as the registered person in relation to an application under section 113A or 113B of the content of any certificate issued in response to the application.

(7) The Department may refuse a request under subsection (1) if it is made after the end of a prescribed period beginning with the day on which the certificate was issued.

(8) In this section—

"central records" and "relevant matter" have the same meaning as in section 113A;

"suitability information" means information required to be included in a certificate under section 113B by virtue of section 113BA or 113BB.

(9) Expressions in subsection (4)(b) and in the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 have the same meaning in that paragraph as in that Order.

120AD Registered persons: copies of certificates in certain circumstances

(1) Subsection (2) applies if—

(a) the Department gives up-date information in relation to a criminal record certificate or enhanced criminal record certificate,

(b) the up-date information is advice to apply for a new certificate or (as the case may be) request another person to apply for such a certificate, and

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(c) the person whose certificate it is in respect of which the up-date information is given applies for a new criminal record certificate or (as the case may be) enhanced criminal record certificate.

(2) The Department must, in response to a request made within the prescribed period by the person who is acting as the registered person in relation to the application, send to that person a copy of any certificate issued in response to the application if the registered person—

(a) has counter-signed the application or transmitted it to the Department under section 113(2A) or 113B(2A),

(b) has informed the Department that the applicant for the new certificate has not, within such period as may be prescribed, sent a copy of it to a person of such description as may be prescribed, and

(c) no prescribed circumstances apply.

(3) The power under subsection (2)(b) to prescribe a description of person may be exercised to describe the registered person or any other person.

(4) In this section "up-date information" has the same meaning as in section 116A.".

Commencement Information

I10 S. 37(1) in operation at 2.11.2015 by S.R. 2015/358, **art. 2(a)**

I11 S. 37(2) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, **art. 2(b)**

Minimum age for applicants for certificates or to be registered

38.—(1) In sections 113A(1), 113B(1), 114(1) and 116(1) of the Police Act 1997 (applications for certificates), before the word "and" at the end of paragraph (a), insert—

"(aa) except in prescribed circumstances, is aged 16 or over at the time of making the application,".

(2) After section 120(4) of that Act (registered persons) insert—

"(4A) An individual under the age of 18 applying for registration undersubsection (4)(b) or (c) must satisfy the Department that there is good reason for being registered.".

Commencement Information

I12 S. 38 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(c)**

Status: *Point in time view as at 14/03/2016. This version of this Act contains provisions that are not valid for this point in time.*
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Additional grounds for refusing an application to be registered

39 After subsection (3) of section 120AA of the Police Act 1997 (refusal, etc. of registration on grounds not related to disclosure) insert—

"(4) Subsection (6) applies if an application is made under section 120 by an individual who—

(a) has previously been a registered person; and

(b) has been removed from the register (otherwise than at that individual's own request).

(5) Subsection (6) also applies if an application is made under section 120 by a body corporate or unincorporate which—

(a) has previously been a registered person; and

(b) has been removed from the register (otherwise than at its own request).

(6) The Department may refuse the application.".

Commencement Information

I13 S. 39 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(d)**

Enhanced criminal record certificates: additional safeguards

40.—(1) In subsection (4) of section 113B of the Police Act 1997 (enhanced criminal record certificates: requests by the Department to chief officers for information)—

(a) for "the chief officer of every relevant police force" substitute " any relevant chief officer ",

(b) omit ", in the chief officer's opinion",

(c) in paragraph (a), for "might" substitute " the chief officer reasonably believes to ", and

(d) in paragraph (b), at the beginning insert " in the chief officer's opinion, ".

(2) After subsection (4) of that section of that Act insert—

"(4A) The Department may from time to time publish guidance to chief officers as to the exercise of functions under subsection (4); and in exercising functions under that subsection a relevant chief officer must have regard to any guidance for the time being published under this subsection.".

(3) In subsection (9) of that section of that Act—

(a) before the definition of "relevant police force" insert—

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"relevant chief officer" means any chief officer of a police force who is identified by the Department for the purposes of making a request under subsection (4);", and

(b) omit the definition of "relevant police force".

(4) After section 117(1) of that Act (disputes about accuracy of certificates) insert—

"(1A) Where any person other than the applicant believes that the information contained in a certificate under any of sections 112 to 116 is inaccurate, that person may make an application in writing to the Department for a decision as to whether or not the information is inaccurate.".

(5) After section 117 of that Act insert—

"**117A Other disputes about section 113B(4) information**

(1) Subsection (2) applies if a person believes that information provided in accordance with section 113B(4) and included in a certificate under section 113B or 116—

(a) is not relevant for the purpose described in the statement under section 113B(2) or (as the case may be) 116(2), or

(b) ought not to be included in the certificate.

(2) The person may apply in writing to the independent monitor appointed under section 119B for a decision as to whether the information is information which falls within subsection (1)(a) or (b).

(3) The independent monitor, on receiving such an application, must ask such chief officer of a police force as the independent monitor considers appropriate to review whether the information concerned is information which—

(a) the chief officer reasonably believes to be relevant for the purpose described in the statement under section 113B(2) or (as the case may be) 116(2), and

(b) in the chief officer's opinion, ought to be included in the certificate.

(4) In exercising functions under subsection (3), the chief officer concerned must have regard to any guidance for the time being published under section 113B(4A).

(5) If, following a review under subsection (3), the independent monitor considers that any of the information concerned is information which falls within subsection (1)(a) or (b)—

(a) the independent monitor must inform the Department of that fact, and

(b) on being so informed, the Department must issue a new certificate.

(6) In issuing such a certificate, the Department must proceed as if the information which falls within subsection (1)(a) or (b) had not been provided under section 113B(4).

(7) In deciding for the purposes of this section whether information is information which falls within subsection (1)(a) or (b), the independent monitor must have regard to any guidance for the time being published under section 113B(4A).

(8) Subsections (10) and (11) of section 113B apply for the purposes of this section as they apply for the purposes of that section.”.

Commencement Information

I14 S. 40 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(e)**

Review of criminal record certificates

41.—(1) The Police Act 1997 is amended as follows.

(2) After section 117A (inserted by section 40(5)) insert—

“**117B Review of criminal record certificates**

117B Schedule 8A (which provides for an independent review of certain criminal record certificates) has effec”.

(3) After Schedule 8 insert as Schedule 8A the Schedule set out in Schedule 4 to this Act.

Commencement Information

I15 S. 41 in operation at 1.3.2016 by S.R. 2015/418, **art. 3(a)**

PROSPECTIVE

Up-dating certificates

42 After section 116 of the Police Act 1997 (enhanced criminal record certificates: judicial appointments and Crown employment) insert—

“**116A Up-dating certificates**

(1) The Department must, on the request of a relevant person and subject to subsection (2), give up-date information to that person about—

(a) a criminal conviction certificate,

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(b) a criminal record certificate, or

(c) an enhanced criminal record certificate,

which is subject to up-date arrangements.

(2) The Department may impose conditions about—

(a) the information to be supplied in connection with such a request for the purpose of enabling the Department to decide whether the person is a relevant person,

(b) any other information to be supplied in connection with such a request.

(3) For the purposes of subsection (1) a certificate is subject to up-date arrangements if condition A, B or C is met and the arrangements have not ceased to have effect in accordance with a notice given under section 118(3B).

(4) Condition A is that—

(a) the individual who applied for the certificate made an application at the same time, or within such period after making the application as may be prescribed, to the Department for the certificate to be subject to up-date arrangements,

(b) the individual has paid in the prescribed manner any prescribed fee,

(c) the Department has granted the application for the certificate to be subject to up-date arrangements, and

(d) the period of 12 months beginning with the date on which the grant comes into force has not expired.

(5) Condition B is that—

(a) the individual whose certificate it is has made an application to the Department to renew or (as the case may be) further renew unexpired up-date arrangements in relation to the certificate,

(b) the individual has paid in the prescribed manner any prescribed fee,

(c) the Department has granted the application,

(d) the grant has come into force on the expiry of the previous up-date arrangements, and

(e) the period of 12 months beginning with the date on which the grant has come into force has not expired.

(6) Condition C is that—

(a) the certificate was issued under section 117(2) or 117A(5)(b), and

(b) the certificate which it superseded—

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(i) was subject to up-date arrangements immediately before it was superseded, and

(ii) would still be subject to those arrangements had it not been superseded.

(7) The Department must not grant an application as mentioned in subsection (4)(c) or (5)(c) unless any fee prescribed under subsection (4)(b) or (as the case may be) (5)(b) has been paid in the manner so prescribed.

(8) The Department must not grant an application as mentioned in subsection (4)(c) or (5)(c) if—

(a) the certificate in question is an enhanced criminal record certificate; and

(b) the certificate contains (or would contain) information which relates to an individual other than the individual whose certificate it is.

(9) In this section "up-date information" means—

(a) in relation to a criminal conviction certificate or a criminal record certificate—

(i) information that there is no information recorded in central records which would be included in a new certificate but is not included in the current certificate, or

(ii) advice to apply for a new certificate or (as the case may be) request another person to apply for such a certificate,

(b) in relation to an enhanced criminal record certificate which includes suitability information relating to children or vulnerable adults—

(i) information that there is no information recorded in central records, no information of the kind mentioned in section 113B(4), and no information of the kind mentioned in section 113BA(2) or (as the case may be) 113BB(2), which would be included in a new certificate but is not included in the current certificate, or

(ii) advice to apply for a new certificate or (as the case may be) request another person to apply for such a certificate, and

(c) in relation to any other enhanced criminal record certificate—

(i) information that there is no information recorded in central records, nor any information of the kind mentioned in section 113B(4), which would be included in a new certificate but is not included in the current certificate, or

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(ii) advice to apply for a new certificate or (as the case may be) request another person to apply for such a certificate.

(10) If up-date information is given under subsection (9)(a)(i), (9)(b)(i) or (9)(c)(i) and the certificate to which that information relates is one to which subsection (11) applies, the up-date information must include that fact.

(11) This subsection applies to a certificate which—

(a) in the case of a criminal conviction certificate, states that there are no convictions of the applicant recorded in central records,

(b) in the case of a criminal record certificate, is as described in section 120AC(3), and

(c) in the case of an enhanced criminal record certificate, is as described in section 120AC(4).

(12) In this section—

"central records" has the same meaning as in section 113A,

"criminal record certificate" includes a certificate under section 114,

"enhanced criminal record certificate" includes a certificate under section 116,

"exempted question" has the same meaning as in section 113A,

"relevant person" means—

(a) in relation to a criminal conviction certificate—

(i) the individual whose certificate it is, or

(ii) any person authorised by the individual,

(b) in relation to a criminal record certificate—

(i) the individual whose certificate it is, or

(ii) any person who is authorised by the individual and is seeking the information for the purposes of an exempted question, and

(c) in relation to an enhanced criminal record certificate—

(i) the individual whose certificate it is, or

(ii) any person who is authorised by the individual and is seeking the information for the purposes of an exempted question asked for a purpose prescribed under section 113B(2)(b).".

Status: *Point in time view as at 14/03/2016. This version of this Act contains provisions that are not valid for this point in time.*
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PROSPECTIVE

Applications for enhanced criminal record certificates

43 In section 113B of the Police Act 1997 (enhanced criminal record certificates) in subsection (2) for paragraph (b) substitute—

"(b) be accompanied by—

(i) a statement by the registered person that the certificate is required for the purposes of an exempted question asked for a prescribed purpose; or

(ii) a statement by the applicant that the certificate is required for a prescribed purpose.".

Electronic transmission of applications

44.—(1) In section 113A of the Police Act 1997 (criminal record certificates) after subsection (2) insert—

"(2A) But an application for a criminal record certificate need not be countersigned by a registered person if—

(a) the application is transmitted to the Department electronically by a registered person who satisfies conditions determined by the Department, and

(b) it is transmitted in accordance with requirements determined by the Department.".

(2) In section 113B of that Act (enhanced criminal record certificates) after subsection (2) insert—

"(2A) But an application for an enhanced criminal record certificate need not be countersigned by a registered person if—

(a) the application is transmitted to the Department electronically by a registered person who satisfies conditions determined by the Department, and

(b) it is transmitted in accordance with requirements determined by the Department.".

Commencement Information

I16 S. 44 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(f)**

Status: *Point in time view as at 14/03/2016. This version of this Act contains provisions that are not valid for this point in time.*
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Disclosures by Department of Justice to Disclosure and Barring Service

45 In section 119 of the Police Act 1997 (sources of information) after subsection (4) insert—

"(4A) The Department of Justice may provide to the Disclosure and Barring Service any information it holds for the purposes of this Part in order to enable the Disclosure and Barring Service to determine whether, in relation to any person, paragraph 1, 2, 3, 5, 7, 8, 9 or 11 of Schedule 1 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 applies or appears to apply.".

Commencement Information

I17 S. 45 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(g)**

Inclusion of cautions and other diversionary disposals in criminal records

46 In Article 29 of the Police and Criminal Evidence (Northern Ireland) Order 1989 for paragraph (4) substitute—

"(4) The Department of Justice may by regulations make provision for recording—

(a) convictions for such offences as are specified in the regulations ("recordable offences");

(b) cautions given in respect of recordable offences;

(c) informed warnings given in respect of recordable offences;

(d) diversionary youth conferences in respect of recordable offences.

(5) For the purposes of paragraph (4)—

(a) "caution" means a caution given to a person in respect of an offence which, at the time when the caution is given, the person has admitted;

(b) "diversionary youth conference" has the meaning given by Part 3A of the Criminal Justice (Children) (Northern Ireland) Order 1998.".

Commencement Information

I18 S. 46 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(h)**

Consequential amendments

47 Schedule5 (which contains amendments consequential on the preceding provisions of this Part) has effect.

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Commencement Information

I19 S. 47 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(i)**

PART 6

CHILD PROTECTION DISCLOSURES

Child protection disclosures

48.—(1) The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.

(2) In Article 49(1) (interpretation of Part 3)—

(a) after the definition of "agencies" insert—

""child" means a person under the age of 18;

"conviction" includes—

(i) a conviction by or before a court outside Northern Ireland;

(ii) any finding (other than a finding linked with a finding of insanity) in any criminal proceedings that a person has committed an offence or done the act or made the omission charged;

(iii) a caution given to a person in respect of an offence which, at the time when the caution was given, the person has admitted;";

(b) after the definition of "specified" insert—

""relevant previous conviction", in relation to a person, means a conviction for a sexual or violent offence by reason of which the person falls within a specified description of persons;".

(3) In Article 50 (guidance to agencies on assessing and managing certain risks to the public) after paragraph (2) insert—

"(2A) Guidance under this Article must contain provisions about arrangements for considering the disclosure, to any particular member of the public, of information concerning any relevant previous convictions of a person where it is necessary to protect a particular child or particular children from serious harm caused by that person; and the guidance may, in particular, contain provisions for the purpose of preventing a member of the public from disclosing that information to any other person.".

(4) In Article 50(3) for "Paragraph (2) does" substitute " Paragraphs (2) and (2A) do ".

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Commencement Information

I20 S. 48 in operation at 14.3.2016 by S.R. 2016/136, **art. 2(a)**

VALID FROM 29/04/2016

PART 7

LIVE LINKS IN CRIMINAL PROCEEDINGS

Live links: accused at committal proceedings

49.—(1) This section applies in relation to committal proceedings in a magistrates' court.

(2) Where it appears to the court before which the committal proceedings are to take place that the accused ("A") is likely to be held in custody or detained in hospital during the proceedings, the court may give a live link direction under this section in relation to the attendance of A at the committal proceedings.

(3) A live link direction under this section is a direction requiring A, if A is being held in custody or detained in a hospital during the committal proceedings, to attend those proceedings through a live link from the place at which A is being held or detained.

(4) A is to be treated as present in court when, by virtue of a live link direction under this section, A attends committal proceedings through a live link.

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

(a) A has given consent to the direction; and

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

(6) The court may 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 accused is, or is to be, held or detained; and

(b) the notice has not been withdrawn.

(7) The court may rescind a live link direction under this section at any time before or during the committal proceedings 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

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court's power to give a further live link direction under this section in relation to A).

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

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

(10) The court must—

(a) state in open court its reasons for refusing to make or rescinding a live link direction under this section; and

(b) cause those reasons to be entered in the Order Book.

(11) If where A is attending committal proceedings through a live link it appears to the court—

(a) that A 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 must adjourn the proceedings.

(12) A may not give oral evidence while attending committal proceedings through a live link by virtue of this section unless—

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

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

(13) In this section—

(a) references to A being held in custody are references to A's being held in custody in a prison, young offenders centre, juvenile justice centre or other institution;

(b) references to A being detained in hospital are references to A's being detained in a hospital under Part 2 or 3 of the Mental Health (Northern Ireland) Order 1986;

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

(d) “the Order Book” means the Order Book required to be kept under rule 19 of the Magistrates' Courts Rules (Northern Ireland) 1984.

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PROSPECTIVE

Live links from another courtroom: first remands, etc.

50.—(1) This section applies in relation to hearings which are—

(a) held in a magistrates' court in relation to a person ("A")—

(i) where A is in custody, is charged with an offence and is appearing before the court for the first time in connection with that charge;

(ii) where A has been arrested in pursuance of a warrant issued under Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981 and is brought before the court for the first time after A's arrest;

(iii) where A has been arrested under Article 6 of the Criminal Justice (Northern Ireland) Order 2003, or in pursuance of a warrant issued under that Article, and is brought before the court for the first time after A's arrest; or

(iv) where A has been arrested in pursuance of a warrant issued under Article 25 of the Magistrates' Courts (Northern Ireland) Order 1981 or section 51(3) of the Judicature (Northern Ireland) Act 1978 and is brought before the court for the first time after A's arrest; and

(b) held on—

(i) a Saturday;

(ii) a Sunday, or

(iii) a public holiday.

(2) Where it appears to the court before which the hearing is to take place that A is likely to be present in another courtroom during the hearing, the court may give a live link direction under this section in relation to the attendance of A at the hearing.

(3) A live link direction under this section is a direction requiring A, if A is present in another courtroom during the hearing, to attend the hearing through a live link from that courtroom.

(4) A is to be treated as present in court when, by virtue of a live link direction under this section, A attends a hearing through a live link.

(5) A court may not give a live link direction under this section unless the court is satisfied that it is not contrary to the interests of justice to give the direction.

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

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(a) it has been notified by the Department that a live link is available between the court and the courtroom in which the accused is to be present; and

(b) the notice has not been withdrawn.

(7) The court may rescind a live link direction under this section at any time before or during the hearing to which it relates.

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

(9) If where A is attending a hearing through a live link it appears to the court—

(a) that A 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 must adjourn the hearing.

(10) In this section "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).

(11) The Department may by order—

(a) amend subsection (1) by adding any description of hearing to the list in paragraph (a) of that subsection;

(b) amend subsection (1) by adding any day of the week to the list in paragraph (b) of that subsection or removing any day for the time being in that list;

(c) repeal subsection (1)(b) (and the word "and" immediately before it).

(12) Nothing in this section affects the operation of the Sunday Observance Act (Ireland) 1695 or section 13 of the Criminal Justice Act (Northern Ireland) 2013.

Live links: proceedings for failure to comply with certain orders or licence conditions

51.—(1) This section applies to the following proceedings in a magistrates' court or the Crown Court in relation to a person ("the offender")—

(a) proceedings under Article 27 of the Criminal Justice (Northern Ireland) Order 1996 (failure of the offender to comply with any of the conditions specified in a licence under Article 26 of that Order);

(b) proceedings under paragraph 3 or 4 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996 (failure of the offender to comply with

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any of the requirements of a probation order, community service order, combination order or custody probation order);

(c) proceedings under Article 38(3) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (failure of the offender to comply with requirements of attendance centre order);

(d) proceedings under Article 41 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (failure of the offender to comply with supervision requirements under Article 40(2) or (3) of that Order);

(e) proceedings under paragraphs 3 or 4 of Schedule 1A to the Criminal Justice (Children) (Northern Ireland) Order 1998 (failure of the offender to comply with any requirement of a reparation order, community responsibility order or youth conference order).

(2) If it appears to the court that it is likely that the offender will be held in custody or detained in hospital during any proceedings to which this section applies, the court may give a live link direction under this section in relation to the attendance of the offender at those proceedings.

(3) A live link direction under this section is a direction requiring the offender, if the offender is being held in custody or detained in hospital during the proceedings, to attend them through a live link from the place at which the offender is being held or detained.

(4) The offender is to be treated as present in court when, by virtue of a live link direction under this section, the offender attends proceedings through a live link.

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

(a) the offender has given consent to the direction; and

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

(6) The court may rescind a live link direction given under this section at any time before or during the proceedings 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 offender).

(7) The court may give or rescind a live link direction under this section of its own motion or on an application by a party.

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

(a) the offender 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 offender to give evidence in that way.

(9) The court must—

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

(b) if it is a magistrates' court, cause those reasons to be entered in the Order Book.

(10) If where the offender is attending proceedings through a live link it appears to the court—

(a) that the offender 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 must adjourn the proceedings.

(11) 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 accused is, or is to be, held in custody or detained; and

(b) the notice has not been withdrawn.

(12) The Department may by order amend subsection (1) by adding—

(a) proceedings for failure to comply with an order of a court made on conviction of a person;

(b) proceedings for breach of the conditions of a licence granted on release from a custodial sentence.

(13) 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;

(b) references to a person being detained in hospital are references to the person's being detained in a hospital under Part 2 or 3 of the Mental Health (Northern Ireland) Order 1986;

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

(d) “the Order Book” means the Order Book required to be kept under rule 19 of the Magistrates' Courts Rules (Northern Ireland) 1984.

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PROSPECTIVE

Live links: expert witnesses

52.—(1) Part 3 of the Criminal Justice (Northern Ireland) Order 2004 (live links for witnesses in certain criminal proceedings) is amended as follows.

(2) In Article 10 (witness other than defendant may give evidence through live link if court so directs) after "other than the defendant" insert " or an expert witness to whom Article 11A applies ".

(3) After Article 11 insert—

"**Expert witnesses**

11A.—(1) An expert witness to whom this Article applies shall, unless the court otherwise directs, give evidence through a live link in the criminal proceedings mentioned in Article 10(2).

(2) The court shall not give a direction under paragraph (1) unless the court is satisfied that it is in the interests of justice, and of the efficient administration of justice, for the person concerned to give evidence in the proceedings in person.

(3) The court may rescind a direction under paragraph (1) if it appears to the court that the condition in paragraph (2) is no longer satisfied.

(4) Where it does so, the person concerned shall give evidence through a live link, but this does not prevent the court from giving a further direction under paragraph (1) in relation to that person.

(5) The court shall not give or rescind a direction under paragraph (1) unless the parties to the proceedings have been given the opportunity to make representations.

(6) This Article applies to expert witnesses of such class or description as the Department may prescribe in regulations.

(7) Regulations shall not be made under paragraph (6) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.".

(4) In Article 12(1) (magistrates' court permitted to sit at other locations) for sub-paragraph (a) substitute—

"(a) evidence is to be given through a live link under this Part in proceedings before a magistrates' court; and".

(5) In Article 13 (warning to jury in Crown Court) for paragraph (1) substitute—

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"(1) This Article applies where evidence has been given through a live link under this Part in proceedings before the Crown Court.".

(6) In Article 14 (rules of court) after paragraph (2)(a) insert—

"(aa) as to the procedure to be followed in connection with the making of representations under Article 11A; and".

VALID FROM 31/10/2016

Live links: witnesses outside the United Kingdom

53.—(1) Part 3 of the Criminal Justice (Northern Ireland) Order 2004 (live links for witnesses in certain criminal proceedings) is amended in accordance with subsections (2) and (3).

(2) After Article 11A (inserted by section 52) insert—

"**Witnesses outside the United Kingdom**

11B.—(1) This Part applies whether the witness is in the United Kingdom or elsewhere.

(2) A statement made on oath by a person outside the United Kingdom and given in evidence through a link under this Part shall be treated for the purposes of Article 3 of the Perjury (Northern Ireland) Order 1979 as having been made in the proceedings in which it is given in evidence.".

(3) In Article 15 (interpretation)—

(a) in paragraph (2) for "at a place in the United Kingdom which is outside the building" substitute " absent from the place ";

(b) after paragraph (4) insert—

"(4A) Where two or more legal representatives are acting for a party to the proceedings, paragraph (3)(c) is to be regarded as satisfied in relation to those representatives if the witness is able at all material times to see and be seen by at least one of them.".

(4) In section 29(3) of the Crime (International Co-operation) Act 2003 (hearing witnesses abroad through live television links) for "Article 80A(4) of the Police and Criminal Evidence (Northern Ireland) Order 1989" substitute " Article 10(2) of the Criminal Justice (Northern Ireland) Order 2004 " and after "to apply" insert " in relation to witnesses who are outside the United Kingdom ".

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Live links: patients detained in hospital under Mental Health Order

54.—(1) In each of the following provisions (which enable a live link direction to be given in relation to a person expected to be in custody) after "in custody" insert " or detained in hospital "

(a) Articles 79(4)(a), 80(2), (3) and (8) and 81(2) and (3) of the Criminal Justice (Northern Ireland) Order 2008 (live link for accused in preliminary hearings and sentencing hearings);

(b) sections 16(2), (3), (8) and (10)(a) and 17(2), (3) and (10)(a) of the Justice Act (Northern Ireland) 2011 (live link for appellant in preliminary hearing or sentencing hearing on appeal to the county court).

(2) In each of the following at the end add " or detained "

(a) Articles 80(3) and 81(3) of the Criminal Justice (Northern Ireland) Order 2008;

(b) sections 16(3) and 17(3) of the Justice Act (Northern Ireland) 2011.

(3) In Article 79(3) of the Criminal Justice (Northern Ireland) Order 2008 after sub-paragraph (a) insert—

"(aa) references to a person being detained in hospital are references to the person's being detained in a hospital under Part 2 or 3 of the Mental Health (Northern Ireland) Order 1986;".

(4) In section 16(11) of the Justice Act (Northern Ireland) 2011 after sub-paragraph (a) insert—

"(aa) references to a person being detained in hospital are references to the person's being detained in a hospital under Part 2 or 3 of the Mental Health (Northern Ireland) Order 1986;".

(5) In section 17(11) of the Justice Act (Northern Ireland) 2011 after sub-paragraph (a) insert—

"(aa) references to a person being detained in hospital are references to the person's being detained in a hospital under Part 2 or 3 of the Mental Health (Northern Ireland) Order 1986;".

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PART 8

VIOLENT OFFENCES PREVENTION ORDERS

VALID FROM 01/12/2016

Violent offences prevention orders

Violent offences prevention orders

55.—(1) A violent offences prevention order is an order made under section 56 or 57 in respect of a person ("D") which—

(a) contains such prohibitions or requirements authorised by section 59 as the court making the order considers necessary for the purpose of protecting the public from the risk of serious violent harm caused by D, and

(b) has effect for such period of not less than 2, nor more than 5, years as is specified in the order (unless renewed or discharged under section 60).

(2) For the purposes of this Part any reference to protecting the public from the risk of serious violent harm caused by a person is a reference to protecting—

(a) the public, or

(b) any particular members of the public,

from a current risk of serious physical or psychological harm caused by that person committing one or more specified offences.

(3) In this Part "specified offence" means an offence for the time being listed in Part 1 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 2008 (violent offences).

(4) But the offence mentioned in paragraph 7 of that Part (assault occasioning actual bodily harm) is not a specified offence for the purposes of sections 56(2) or (3) or 58(2) or (3) unless—

(a) it was committed against—

(i) a vulnerable adult (within the meaning of Article 2(2) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007);

(ii) a person under the age of 18; or

(iii) a person living in the same household as the offender; or

(b) the court in sentencing the offender for the offence treated the offence as aggravated by hostility (within the meaning of Article 2 of the Criminal Justice (No. 2) (Northern Ireland) Order 2004).

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Violent offences prevention order made on conviction, etc.

56.—(1) A court may make a violent offences prevention order in respect of D where subsection (2) or (3) applies to D and the court is satisfied that it is necessary to make such an order for the purpose of protecting the public from the risk of serious violent harm caused by D.

(2) This subsection applies to D where the court deals with D in respect of a specified offence.

(3) This subsection applies to D where the court deals with D in respect of a finding—

(a) that D is not guilty of a specified offence by reason of insanity, or

(b) that D is unfit to plead and has done the act charged against D in respect of such an offence.

(4) Subsections (2) and (3) apply whether the specified offence was committed (or alleged to have been committed) before or after commencement.

Violent offences prevention order made on application of Chief Constable

57.—(1) A court of summary jurisdiction may make a violent offences prevention order in respect of D where subsection (2) applies to D and the court is satisfied that D's behaviour since the appropriate date makes it necessary to make such an order for the purpose of protecting the public from the risk of serious violent harm caused by D.

(2) This subsection applies to D where—

(a) an application under subsection (3) has been made to the court in respect of D, and

(b) on the application, it is proved that D is a qualifying offender.

(3) The Chief Constable may by complaint apply for a violent offences prevention order to be made in respect of a person who resides in Northern Ireland or who the Chief Constable believes is in, or is intending to come to, Northern Ireland if it appears to the Chief Constable that—

(a) the person is a qualifying offender, and

(b) the person has, since the appropriate date, acted in such a way as to give reasonable cause to believe that it is necessary for a violent offences prevention order to be made in respect of the person.

(4) In this section "the appropriate date" means the date (or, as the case may be, the first date) on which the person became a person within any of paragraphs (a) to (c) of section 58(2) or (3).

(5) On an application under subsection (3) in respect of D the court must—

(a) afford D an opportunity of making representations; and

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(b) in deciding whether it is necessary to make a violent offences prevention order for the purpose of protecting the public from the risk of serious violent harm caused by D, have regard to whether D would, at any time when such an order would be in force, be subject under any other statutory provision to any measures that would operate to protect the public from the risk of such harm.

Qualifying offenders

58.—(1) In this Part "qualifying offender" means a person who is within subsection (2) or (3).

(2) A person is within this subsection if (whether before or after commencement)—

(a) the person has been convicted of a specified offence;

(b) the person has been found not guilty of a specified offence by reason of insanity, or

(c) the person has been found to be unfit to be tried and to have done the act charged in respect of a specified offence.

(3) A person is within this subsection if, under the law in force in a country outside Northern Ireland (and whether before or after commencement)—

(a) the person has been convicted of a relevant offence,

(b) a court exercising jurisdiction under that law has made in respect of a relevant offence a finding equivalent to a finding that the person was not guilty by reason of insanity, or

(c) such a court has, in respect of a relevant offence, made a finding equivalent to a finding that the person was unfit to be tried and did the act charged in respect of the offence.

(4) In subsection (3) "relevant offence" means an act which—

(a) constituted an offence under the law in force in the country concerned, and

(b) would have constituted a specified offence if it had been done in Northern Ireland.

(5) An act punishable under the law in force in a country outside Northern Ireland constitutes an offence under that law for the purposes of subsection (4) however it is described in that law.

(6) Subject to subsection (7), on an application under section 57, the condition in subsection (4)(b) (where relevant) is to be taken as met in relation to the person to whom the application relates unless, not later than magistrates' court rules may provide, that person serves on the Chief Constable a notice—

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(a) denying that, on the facts as alleged with respect to the act in question, the condition is met,

(b) giving the reasons for denying that it is met, and

(c) requiring the Chief Constable to prove that it is met.

(7) If the court thinks fit, it may permit that person to require the Chief Constable to prove that the condition is met even though no notice has been served under subsection (6).

Provisions that violent offences prevention orders may contain

59.—(1) A violent offences prevention order may contain provisions prohibiting D from doing anything described in the order or requiring D to do anything described in the order (or both).

(2) The only prohibitions or requirements that may be included in the order are those necessary for the purpose of protecting the public from the risk of serious violent harm caused by D.

Variation, renewal or discharge of violent offences prevention orders

60.—(1) D or the Chief Constable may apply to the appropriate court—

(a) for an order varying or discharging a violent offences prevention order;

(b) for an order renewing a violent offences prevention order for such period of not more than 5 years as is specified in the renewal order.

(2) Subject to subsections (3) to (5), on an application under this section the court may, after hearing—

(a) the applicant, and

(b) the other person mentioned in subsection (1), if that person wishes to be heard,

make such order varying, renewing or discharging the violent offences prevention order as the court considers appropriate.

(3) A violent offences prevention order may only be—

(a) renewed, or

(b) varied so as to impose additional prohibitions or requirements on D,

if the court considers that it is necessary to do so for the purpose of protecting the public from the risk of serious violent harm caused by D (and any renewed or varied order may contain only such prohibitions or requirements as the court considers necessary for this purpose).

(4) References in subsection (3) to prohibitions or requirements are to prohibitions or requirements authorised by section 59.

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(5) The court may not discharge a violent offences prevention order before the end of the period of 2 years beginning with the date on which it comes into force unless consent to its discharge is given by D and the Chief Constable.

(6) In this section "the appropriate court" means—

(a) where the violent offences prevention order was made under section 56 by (or on appeal from) the Crown Court, that court; and

(b) in any other case, a court of summary jurisdiction.

(7) An application under this section may be made—

(a) where the appropriate court is the Crown Court, in accordance with Crown Court rules;

(b) in any other case by complaint under Part 7 of the Magistrates' Court (Northern Ireland) Order 1981 and in accordance with magistrates' court rules.

Interim violent offences prevention orders

61.—(1) This section applies where an application under section 57 ("the main application") in respect of D has not yet been determined.

(2) An application for an order under this section ("an interim violent offences prevention order") may be made—

(a) by the complaint by which the main application is made, or

(b) if the main application has already been made to a court, by means of a further complaint made to that court by the Chief Constable.

(3) If it appears to the court—

(a) that D is a qualifying offender,

(b) that, if the court were determining that application, it would be likely to make a violent offences prevention order in respect of D, and

(c) that it is desirable to act before that application is determined, with a view to securing the immediate protection of the public from the risk of serious violent harm caused by D,

the court may make an interim violent offences prevention order in respect of that person that contains such prohibitions or requirements as it considers necessary for the purpose of protecting the public from the risk of such harm.

(4) The reference in subsection (3) to prohibitions or requirements is to prohibitions or requirements authorised by section 59 in the case of a violent offences prevention order.

(5) An interim violent offences prevention order—

(a) has effect only for such period as is specified in the order, and

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(b) ceases to have effect (if it has not already done so) at the appropriate time.

(6) "The appropriate time" means—

(a) if the court grants the main application, the time when a violent offences prevention order made in pursuance of it comes into force;

(b) if the court decides not to grant the main application or it is withdrawn, the time when the court so decides or the application is withdrawn.

(7) Section 60 applies in relation to the variation or discharge of an interim violent offences prevention order as it applies in relation to the variation or discharge of a violent offences prevention order, but with the omission of subsection (5).

Notice of applications

62.—(1) This section applies to—

(a) any application under section 57 for a violent offences prevention order in respect of D,

(b) any application under section 61 for an interim violent offences prevention order in respect of D, and

(c) any application under section 60 for the variation, discharge or renewal of a violent offences prevention order made in respect of D, or for the variation or discharge of an interim violent offences prevention order so made.

(2) A court may not begin hearing such an application unless it is satisfied that D has been given notice of—

(a) the application, and

(b) the time and place of the hearing,

a reasonable time before the hearing.

Appeals

63.—(1) D may appeal against the making of a violent offences prevention order under section 56—

(a) where subsection (2) of that section applied to D, as if the order were a sentence passed on D for the offence;

(b) where subsection (3) (but not subsection (2)) of that section applied to D, as if D had been convicted of the offence and the order were a sentence passed on D for that offence.

(2) D may appeal to the county court against—

(a) the making of a violent offences prevention order under section 57;

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(b) the making of an interim violent offences prevention order.

(3) D may appeal against the making of an order under section 60 or the refusal to make such an order—

(a) where the application for such an order was made to the Crown Court, to the Court of Appeal;

(b) in any other case to the county court.

(4) On an appeal under subsection (2) or (3)(b), the county court—

(a) may make such orders as may be necessary to give effect to its determination of the appeal; and

(b) may also make such incidental or consequential orders as appear to it to be just.

Notification requirements

VALID FROM 01/12/2016

Offenders subject to notification requirements

64.—(1) References in the following provisions of this Part to an offender subject to notification requirements are references to an offender who is for the time being subject to a violent offences prevention order or an interim violent offences prevention order which is in force under this Part.

(2) Subsection (1) has effect subject to section 67(7) (which excludes from section 67 an offender subject to an interim violent offences prevention order).

Notification requirements: initial notification

65.—(1) An offender subject to notification requirements must notify the required information to the police within the period of 3 days beginning with the date on which the violent offences prevention order or the interim violent offences prevention order comes into force in relation to the offender ("the relevant date").

(2) The "required information" is the following information about the offender—

(a) date of birth;

(b) national insurance number;

(c) name on the relevant date or, if the offender used two or more names on that date, each of those names;

(d) home address on the relevant date;

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(e) name on the date on which the notification is given or, if the offender used two or more names on that date, each of those names;

(f) home address on the date on which the notification is given;

(g) the address of any other premises in the United Kingdom at which on that date the offender regularly resides or stays;

(h) any information prescribed by regulations made by the Department.

(3) When determining the period of 3 days mentioned in subsection (1), there is to be disregarded any time when the offender is—

(a) remanded in or committed to custody by an order of a court;

(b) serving a custodial sentence;

(c) detained in a hospital; or

(d) outside the United Kingdom.

(4) In this Part "home address" means in relation to the offender—

(a) the address of the offender's sole or main residence in the United Kingdom, or

(b) if the offender has no such residence, the address or location of a place in the United Kingdom where the offender can regularly be found or, if there is more than one such place, such one of them as the offender selects.

Commencement Information

I21 S. 65(2)(h) in operation at 1.9.2015 by S.R. 2015/324, **art. 2(a)**

Notification requirements: changes

66.—(1) An offender subject to notification requirements must, within the period of 3 days beginning with the date on which any notifiable event occurs, notify to the police—

(a) the required new information, and

(b) the information mentioned in section 65(2).

(2) A "notifiable event" means—

(a) the use by the offender of a name which has not been notified to the police under section 65 or this section;

(b) any change of the offender's home address;

(c) the expiry of any qualifying period during which the offender has resided or stayed at any premises in the United Kingdom the address of which has not been notified to the police under section 65 or this section;

(d) any prescribed change of circumstances; or

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(e) the release of the offender from custody pursuant to an order of a court or from a custodial sentence or detention in a hospital.

(3) The "required new information" is—

(a) the name referred to in subsection (2)(a),

(b) the new home address (see subsection (2)(b)),

(c) the address of the premises referred to in subsection (2)(c),

(d) the prescribed details, or

(e) the fact that the offender has been released as mentioned in subsection (2)(e),

as the case may be.

(4) A notification under subsection (1) may be given before the notifiable event occurs, but in that case the offender must also specify the date when the event is expected to occur.

(5) If a notification is given in accordance with subsection (4) and the event to which it relates occurs more than 2 days before the date specified, the notification does not affect the duty imposed by subsection (1).

(6) If a notification is given in accordance with subsection (4) and the event to which it relates has not occurred by the end of the period of 3 days beginning with the date specified—

(a) the notification does not affect the duty imposed by subsection (1), and

(b) the offender must, within the period of 6 days beginning with the date specified, notify to the police the fact that the event did not occur within the period of 3 days beginning with the date specified.

(7) Section 65(3) applies to the determination of—

(a) any period of 3 days for the purposes of subsection (1), or

(b) any period of 6 days for the purposes of subsection (6),

as it applies to the determination of the period of 3 days mentioned in section 65(1).

(8) In this section—

(a) "prescribed change of circumstances" means any change—

(i) occurring in relation to any matter in respect of which information is required to be notified by virtue of section 65(2)(h), and

(ii) of a description prescribed by regulations made by the Department;

(b) "the prescribed details", in relation to a prescribed change of circumstances, means such details of the change as may be so prescribed.

(9) In this section "qualifying period" means—

(a) a period of 7 days, or

(b) two or more periods, in any period of 12 months, which taken together amount to 7 days.

Commencement Information

I22 S. 66(2)(d) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, **art. 2(j)**

I23 S. 66(3)(d) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, **art. 2(j)**

Notification requirements: periodic notification

67.—(1) An offender subject to notification requirements must, within the applicable period after each notification date, notify to the police the information mentioned in section 65(2), unless the offender has already given a notification under section 66(1) within that period.

(2) A "notification date" means, in relation to the offender, the date of any notification given by the offender under section 65(1) or 66(1) or subsection (1).

(3) Where the applicable period would (apart from this subsection) end while subsection (4) applies, that period is to be treated as continuing until the end of the period of 3 days beginning with the date on which subsection (4) first ceases to apply.

(4) This subsection applies if the offender is—

(a) remanded in or committed to custody by an order of a court,

(b) serving a custodial sentence,

(c) detained in a hospital, or

(d) outside the United Kingdom.

(5) In this section "the applicable period" means—

(a) in any case where subsection (6) applies, such period as may be prescribed by regulations made by the Department, and

(b) in any other case, the period of one year.

(6) This subsection applies if the last home address notified by the offender under section 65(1) or 66(1) or subsection (1) was the address or location of such a place as is mentioned in section 65(4)(b).

(7) Nothing in this section applies to an offender who is subject to an interim violent offences prevention order.

Commencement Information

I24 S. 67(5)(a) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, **art. 2(k)**

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VALID FROM 01/12/2016

Notification requirements: absence from notified residence

68.—(1) This section applies to an offender subject to notification requirements at any time if the last home address notified by the offender under section 65(1), 66(1) or 67(1) was an address in Northern Ireland such as is mentioned in section 65(4)(a) (sole or main residence).

(2) If the offender intends to be absent from that home address for a period of more than 3 days ("the relevant period"), the offender must, not less than 12 hours before leaving that home address, notify to the police the information set out in subsection (3).

(3) The information is—

(a) the date on which the offender will leave that home address;

(b) such details as the offender holds about—

(i) the offender's travel arrangements during the relevant period;

(ii) the offender's accommodation arrangements during that period;

(iii) the offender's date of return to that address.

(4) In this section—

"travel arrangements" include, in particular, the means of transport to be used and the dates of travel,

"accommodation arrangements" include, in particular, the address of any accommodation at which the relevant offender will spend the night during the relevant period and the nature of that accommodation.

(5) Where—

(a) an offender has given a notification under subsection (2), and

(b) at any time before that mentioned in that subsection, the information notified becomes inaccurate or incomplete,

the offender must give a further notification under subsection (2).

(6) Where an offender—

(a) has notified a date of return to the offender's home address, but

(b) returns to that home address on a date other than that notified,

the offender must notify the date of the offender's actual return to the police within 3 days of the actual return.

(7) Nothing in this section requires an offender to notify any information which falls to be notified in accordance with a requirement imposed by regulations under section 69.

(8) In calculating the relevant period for the purposes of this section there is to be disregarded—

(a) any period or periods which the offender intends to spend at, or travelling directly to or from, an address of the kind mentioned in section 65(2)(g) notified to the police under section 65(1), 66(1) or 67(1);

(b) any period or periods which the offender intends to spend at, or travelling directly to or from, any premises, if his stay at those premises would give rise to a requirement to notify the address of those premises under section 66(2)(c).

Notification requirements: travel outside the United Kingdom

69.—(1) The Department may by regulations make provision with respect to offenders subject to notification requirements, or any description of such offenders—

(a) requiring such persons, before they leave the United Kingdom, to give in accordance with the regulations a notification under subsection (2);

(b) requiring such persons, if they subsequently return to the United Kingdom, to give in accordance with the regulations a notification under subsection (3).

(2) A notification under this subsection must disclose—

(a) the date on which the offender proposes to leave the United Kingdom;

(b) the country (or, if there is more than one, the first country) to which the offender proposes to travel and the proposed point of arrival (determined in accordance with the regulations) in that country;

(c) any other information prescribed by the regulations which the offender holds about the offender's departure from or return to the United Kingdom, or about the offender's movements while outside the United Kingdom.

(3) A notification under this subsection must disclose any information prescribed by the regulations about the offender's return to the United Kingdom.

Commencement Information

I25 S. 69(1) in operation at 1.9.2015 by S.R. 2015/324, **art. 2(b)**

I26 S. 69(2) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, **art. 2(l)**

I27 S. 69(3) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, **art. 2(l)**

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Method of notification and related matters

70.—(1) An offender gives a notification to the police under section 65(1), 66(1), 67(1) or 68(2) or (6) by—

(a) attending at any police station in Northern Ireland prescribed by regulations under section 87(1)(a) of the Sexual Offences Act 2003, and

(b) giving an oral notification to any police officer, or to any person authorised for the purpose by the officer in charge of the station.

(2) Any notification given in accordance with this section must be acknowledged; and the acknowledgement must be—

(a) in writing, and

(b) in such form as the Department may direct.

(3) Where a notification is given under section 65(1), 66(1), 67(1) or 68(2) or (6), the offender must, if requested to do so by the police officer or other person mentioned in subsection (1)(b), allow that officer or person to—

(a) take the offender's fingerprints,

(b) photograph any part of the offender, or

(c) do both of those things.

(4) Fingerprints and photographs taken from an offender under this section—

(a) are to be used for verifying the identity of the offender at any time while the offender is subject to notification requirements; and

(b) may also, subject to the following provisions of this section, be used for any purpose related to the prevention, detection, investigation or prosecution of offences (whether or not under this Part), but for no other purpose.

(5) Fingerprints taken from an offender under this section must be destroyed no later than the date on which the offender ceases to be subject to notification requirements, unless they are retained under the power conferred by subsection (7).

(6) Subsection (7) applies where—

(a) fingerprints have been taken from a person under any power conferred by the Police and Criminal Evidence (Northern Ireland) Order 1989;

(b) fingerprints have also subsequently been taken from that person under this section; and

(c) the fingerprints taken as mentioned in paragraph (a) do not constitute a complete and up to date set of the person's fingerprints or some or all

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of those fingerprints are not of sufficient quality to allow satisfactory analysis, comparison or matching.

(7) Where this subsection applies—

(a) the fingerprints taken as mentioned in subsection (6)(b) may be retained as if taken from the person under the power mentioned in subsection (6)(a); and

(b) the fingerprints taken as mentioned in subsection (6)(a) must be destroyed.

(8) Photographs taken of any part of the offender under this section must be destroyed no later than the date on which the offender ceases to be subject to notification requirements unless they are retained by virtue of an order under subsection (9).

(9) The Chief Constable may apply to a District Judge (Magistrates' Courts) for an order extending the period for which photographs taken under this section may be retained.

(10) An application for an order under subsection (9) must be made within the period of 3 months ending on the last day on which the offender will be subject to notification requirements.

(11) An order under subsection (9) may extend the period for which photographs may be retained by a period of 2 years beginning when the offender ceases to be subject to notification requirements.

(12) The following persons may appeal to the county court against an order under subsection (9), or a refusal to make such an order—

(a) the Chief Constable;

(b) the person in relation to whom the order was sought.

(13) In this section—

(a) "photograph" includes any process by means of which an image may be produced; and

(b) references to the destruction or retention of photographs or fingerprints include references to the destruction or retention of copies of those photographs or fingerprints.

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VALID FROM 01/12/2016

Supplementary

Offences

71.—(1) If a person fails, without reasonable excuse, to comply with any prohibition or requirement contained in—

(a) a violent offences prevention order, or

(b) an interim violent offences prevention order,

the person commits an offence.

(2) If a person fails, without reasonable excuse, to comply with—

(a) section 65(1), 66(1) or (6)(b), 67(1), 68(2) or (6) or 70(3), or

(b) any requirement imposed by regulations made under section 69(1),

the person commits an offence.

(3) If a person notifies to the police, in purported compliance with—

(a) section 65(1), 66(1), 67(1) or 68(2) or (6), or

(b) any requirement imposed by regulations made under section 69(1),

any information which the person knows to be false, the person commits an offence.

(4) As regards an offence under subsection (2), so far as it relates to non-compliance with—

(a) section 65(1), 66(1), 67(1) or 68(2) or (6), or

(b) any requirement imposed by regulations made under section 69(1),

a person commits such an offence on the first day on which the person first fails, without reasonable excuse, to comply with the provision mentioned in paragraph (a) or (as the case may be) the requirement mentioned in paragraph (b), and continues to commit it throughout any period during which the failure continues.

(5) But a person must not be prosecuted under subsection (2) more than once in respect of the same failure.

(6) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine or both.

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Supply of information to relevant Northern Ireland departments or Secretary of State

72.—(1) This section applies to information notified to the police under section 65(1), 66(1) or 67(1).

(2) The Chief Constable may, for the purposes of the prevention, detection, investigation or prosecution of offences under this Part, supply information to which this section applies to—

(a) a relevant Northern Ireland department,

(b) the Secretary of State, or

(c) a person providing services to a relevant Northern Ireland department or the Secretary of State in connection with a relevant function,

for use for the purpose of verifying the information.

(3) In relation to information supplied to any person under subsection (2), the reference to verifying the information is a reference to—

(a) checking its accuracy by comparing it with information held—

(i) where the person is a relevant Northern Ireland department or the Secretary of State, by that department or the Secretary of State in connection with the exercise of a relevant function, or

(ii) where the person is within subsection (2)(c), by that person in connection with the provision of services as mentioned there, and

(b) compiling a report of that comparison.

(4) Subject to subsection (5), the supply of information under this section is to be taken not to breach any restriction on the disclosure of information (however arising).

(5) This section does not authorise the doing of anything that contravenes the Data Protection Act 1998.

(6) This section does not affect any power to supply information that exists apart from this section.

(7) In this section—

"relevant Northern Ireland department" means the Department for Employment and Learning, the Department of the Environment or the Department for Social Development;

"relevant function" means—

(a) in relation to the Department for Employment and Learning, a function relating to employment or training;

(b) in relation to the Department of the Environment, a function under Part 2 of the Road Traffic (Northern Ireland) Order 1981;

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(c) in relation to the Department for Social Development, a function relating to social security or child support;

(d) in relation to the Secretary of State, a function relating to passports.

Supply of information by relevant Northern Ireland departments or Secretary of State

73.—(1) A report compiled under section 72 may be supplied to the Chief Constable by—

(a) the relevant Northern Ireland department,

(b) the Secretary of State, or

(c) a person within section 72(2)(c).

(2) Such a report may contain any information held—

(a) by the relevant Northern Ireland department or the Secretary of State in connection with the exercise of a relevant function, or

(b) by a person within section 72(2)(c) in connection with the provision of services as mentioned there.

(3) Where such a report contains information within subsection (2), the Chief Constable—

(a) may, subject to subsections (4) to (8), retain the information, whether or not used for the purposes of the prevention, detection, investigation or prosecution of offences under this Part, and

(b) may use the information for any purpose related to the prevention, detection, investigation or prosecution of offences (whether or not under this Part), but for no other purpose.

(4) The information must be destroyed no later than the date on which the offender ceases to be subject to notification requirements unless it is retained by virtue of an order under subsection (5).

(5) The Chief Constable may apply to a District Judge (Magistrates' Court) for an order extending the period for which the information may be retained.

(6) An application for an order under subsection (5) must be made within the period of 3 months ending on the last day on which the offender will be subject to notification requirements.

(7) An order under subsection (5) may extend the period for which the information may be retained by a period of 2 years beginning when the offender ceases to be subject to notification requirements.

(8) The following persons may appeal to the county court against an order under subsection (5), or a refusal to make such an order—

(a) the Chief Constable;

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(b) the person in relation to whom the order was sought.

(9) Subsections (4) to (7) of section 72 apply in relation to this section as they apply in relation to section 72.

Information about release or transfer

74.—(1) This section applies to an offender subject to notification requirements who is—

(a) serving a custodial sentence; or

(b) detained in a hospital.

(2) The Department may by regulations make provision requiring the person who is responsible for such an offender to give notice to specified persons—

(a) of the fact that that person has become responsible for the offender; and

(b) of any occasion when—

(i) the offender is released, or

(ii) a different person is to become responsible for the offender.

(3) In subsection (2) "specified persons" means persons specified, or of a description specified, in the regulations.

(4) The regulations may make provision for determining who is to be taken for the purposes of this section as being responsible for an offender.

Power of entry and search of offender's home address

75.—(1) If, on an application made by a police officer of the rank of superintendent or above, a lay magistrate is satisfied that the requirements in subsection (2) are met in relation to any premises, the lay magistrate may issue a warrant authorising a constable—

(a) to enter the premises for the purpose of assessing the risks posed by the offender subject to notification requirements to whom the warrant relates; and

(b) to search the premises for that purpose.

(2) The requirements are—

(a) that the address of each set of premises specified in the application is an address falling within subsection (3);

(b) that the offender is not one to whom subsection (4) applies;

(c) that it is necessary for a constable to enter and search the premises for the purpose mentioned in subsection (1)(a);

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(d) that, in a case where a person other than the offender resides there, it is proportionate in all the circumstances for a constable to enter and search the premises for that purpose; and

(e) that on at least two occasions a constable has sought entry to the premises in order to search them for that purpose and has been unable to obtain entry for that purpose.

(3) An address falls within this subsection if—

(a) it is the address which was last notified in accordance with this Part by the offender to the police as the offender's home address; or

(b) there are reasonable grounds to believe that the offender resides there or may regularly be found there.

(4) This subsection applies to an offender if the offender is—

(a) remanded in or committed to custody by order of a court;

(b) serving a custodial sentence;

(c) detained in a hospital; or

(d) outside the United Kingdom.

(5) A warrant issued under this section must specify the one or more sets of premises to which it relates.

(6) The warrant may authorise the constable executing it to use reasonable force if necessary to enter and search the premises.

(7) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the lay magistrate is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose mentioned in subsection (1)(a).

(8) Where a warrant issued under this section authorises multiple entries, the number of entries authorised may be unlimited or limited to a maximum.

(9) In this section a reference to the offender subject to notification requirements to whom the warrant relates is a reference to the offender—

(a) who has in accordance with this Part notified the police that the premises specified in the warrant are the offender's home address; or

(b) in respect of whom there are reasonable grounds to believe that the offender resides there or may regularly be found there.

Interpretation of this Part

76.—(1) In this Part—

"country" includes territory;

"custodial sentence" means—

(a) a sentence of imprisonment;

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(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;

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

(e) an order under Article 39 of that Order sending the offender to a juvenile justice centre;

(f) an order under Article 44A of that Order sending the offender to secure accommodation;

(g) any other sentence under which a person is detained in custody;

"detained in a hospital" means detained in a hospital under Part 3 of the Mental Health (Northern Ireland) Order 1986;

"home address" has the meaning given by section 65(4);

"interim violent offences prevention order" means an order made under section 61;

"qualifying offender" has the meaning given by section 58(1);

"specified offence" has the meaning given by section 55(3) and (4);

"violent offences prevention order" has the meaning given by section 55(1).

(2) References in this Part to "D" in relation to a violent offences prevention order, or an application for such an order, are references to the person in relation to whom the order has effect or is sought.

(3) References in this Part to protecting the public from the risk of serious violent harm caused by a person are to be read in accordance with section 55(2).

(4) References in this Part to a finding of the kind mentioned in section 58(2)(b) or (c) or (3)(b) or (c) include references to a case where a decision on appeal is to the effect that there should have been such a finding in the proceedings concerned.

(5) References in this Part to an offender subject to notification requirements are to be read in accordance with section 64.

(6) Reference in this Part to a conviction include references to a finding of a court in summary proceedings, where the court makes an order under Article 44(4) of the Mental Health (Northern Ireland) Order 1986 that the accused did the act charged.

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PART 9

MISCELLANEOUS

VALID FROM 01/07/2016

Jury service

Removal of maximum age for jury service

77 In Article 3(1) of the Juries (Northern Ireland) Order 1996 (persons qualified and liable for jury service) for "aged between 18 and 70 years" substitute " aged over 18 years ".

Preparation of jury lists

78 In Article 4(2) of the Juries (Northern Ireland) Order 1996 (selection from register of electors) omit sub-paragraph (b)(i).

Persons disqualified for jury service

79 In Schedule 1 to the Juries (Northern Ireland) Order 1996 (persons disqualified for jury service) after paragraph 1 insert—

"**1A** Any person who has at any time been convicted of an offence and had imposed on him an indeterminate custodial sentence under Article 13 of the Criminal Justice (Northern Ireland) Order 2008".

Persons ineligible for jury service

80.—(1) Schedule 2 to the Juries (Northern Ireland) Order 1996 (persons ineligible for jury service) is amended as follows.

(2) After the entry relating to the Policing Board insert— " Members of the National Crime Agency and National Crime Agency officers. ".

(3) Omit the following entries— " A person appointed for the purposes of Article 7(6) of the Treatment of Offenders (Northern Ireland) Order 1976. "" Members of the Royal Irish Regiment. ".

Persons excusable as of right from jury service

81.—(1) Schedule 3 to the Juries (Northern Ireland) Order 1996 (persons excusable from jury service as of right) is amended as follows.

(2) For the entry relating to Representatives to the European Parliament substitute— " Members of the European Parliament ".

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(3) For the entry relating to the Secretary and any Director of the Northern Ireland Audit Office substitute— " The Deputy Comptroller and Auditor General for Northern Ireland and any Assistant Auditor General for Northern Ireland ".

(4) For the entry relating to persons aged between 65 and 70 years and the heading immediately before it substitute—

"**Persons aged over 70 years**

Persons aged over 70 years".

PROSPECTIVE

Unpaid community service after early release

Unpaid community service after early release

82 In Article 19 of the Criminal Justice (Northern Ireland) Order 2008 after paragraph (1) insert—

"(1A) The Department may by regulations, having consulted the Probation Board, provide for a community service scheme, under which a person released under paragraph (1) may be required to engage in unpaid community service for the remaining period of the fixed term they would have served but for their early release.".

PROSPECTIVE

Personal samples, DNA profiles and fingerprints

Power to take further fingerprints or non-intimate samples

83.—(1) In Article 61 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (fingerprinting)—

(a) in paragraphs (5A) and (5B) for the words after "investigation" in sub-paragraph (b) substitute "but—

(i) paragraph (4A)(a) or (b) applies, or

(ii) paragraph (5C) applies.";

(b) after paragraph (5B) insert—

"(5C) This paragraph applies where—

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(a) the investigation was discontinued but subsequently resumed, and

(b) before the resumption of the investigation the fingerprints were destroyed pursuant to Article 63B(2).””.

(2) In Article 63 of that Order (non-intimate samples)—

(a) at the end of paragraph (3ZA)(b) insert “, or

(iii) paragraph (3AA) applies.”;

(b) in paragraph (3A)(b) for “insufficient; or” substitute “insufficient, or

“(iii) paragraph (3AA) applies; or”;

(c) after paragraph (3A) insert—

“(3AA) This paragraph applies where the investigation was discontinued but subsequently resumed, and before the resumption of the investigation—

(a) any DNA profile derived from the sample was destroyed pursuant to Article 63B(2), and

(b) the sample itself was destroyed pursuant to Article 63P(2), (3) or (10).”.

(3) In Schedule 2A to that Order (fingerprinting and samples: power to require attendance at police station)—

(a) in paragraph 1 (fingerprinting: persons arrested and released)—

(i) in sub-paragraph (2) for “Article 61(5A)(b)” substitute “ Article 61(5A)(b)(i) ”;

(ii) after sub-paragraph (3) insert—

“(4) The power under sub-paragraph (1) may not be exercised in a case falling within Article 61(5A)(b)(ii) (fingerprints destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”;

(b) in paragraph 2 (fingerprinting: persons charged, etc.)—

(i) in sub-paragraph (2)(b) for “Article 61(5B)(b)” substitute “ Article 61(5B)(b)(i) ”;

(ii) at the end of sub-paragraph (2) insert “, or

“(c) in a case falling within Article 61(5B)(b)(ii) (fingerprints destroyed where investigation interrupted), the day on which the investigation was resumed.”;

(c) in paragraph 9 (non-intimate samples: persons arrested and released)—

(i) in sub-paragraph (2) for “within Article 63(3ZA)(b)” substitute “ within Article 63(3ZA)(b)(i) or (ii) ”;

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(ii) after sub-paragraph (3) insert—

"(4) The power under sub-paragraph (1) may not be exercised in a case falling within Article 63(3ZA)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.";

(d) in paragraph 10 (non-intimate samples: person charged etc.)—

(i) in sub-paragraph (3) for "within Article 63(3A)(b)" substitute " within Article 63(3A)(b)(i) or (ii) ";

(ii) after sub-paragraph (4) insert—

"(5) The power under sub-paragraph (1) may not be exercised in a case falling within Article 63(3A)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.".

Retention of material: persons convicted of an offence in England and Wales or Scotland

84 After Article 63G of the Police and Criminal Evidence (Northern Ireland) Order 1989 insert—

"**Retention of material: effect of convictions in England and Wales or Scotland**

63GA.—(1) This Article applies to Article 63B material which does not fall within Article 63G (2).

(2) If the material relates to a person who has been convicted under the law in force in England and Wales of a recordable offence within the meaning of section 118(1) of PACE ("an EW recordable offence") Articles 63D, 63E, 63H and 63L apply as if—

(a) references in Article 63D(2) and (14), 63E(2) 63H(1)(a)(ii) and (5) and 63L(3)(b) to a person being convicted of a recordable offence included references to a person being convicted of an EW recordable offence (and section 65B(1) of PACE (meaning of "convicted") applies for that purpose);

(b) references in Article 63D(14) to a qualifying offence included references to a qualifying offence within the meaning of section 65A of PACE;

(c) references in Article 63D(14) and 63H(2) to (4) to a custodial sentence included references to a relevant custodial sentence within the meaning of section 63K(6) of PACE.

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(3) If the material relates to a person who has been convicted under the law in force in Scotland of an offence which is punishable by imprisonment ("a relevant Scottish offence") Article 63D, 63E, 63H and 63L apply as if—

(a) references in Article 63D(2) and (14), 63E(2) 63H(1)(a)(ii) and (5) and 63L(3)(b) to a person being convicted of a recordable offence included references to a person being convicted of a relevant Scottish offence;

(b) references in Article 63D(14) to a qualifying offence included references to—

(i) a relevant sexual offence and a relevant violent offence within the meaning of section 19A of the Criminal Procedure (Scotland Act) 1995; and

(ii) an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008;

(c) references in Article 63D(14) and 63H(2) to (4) to a custodial sentence included references to a sentence of imprisonment or detention.

(4) In this Article "PACE" means the Police and Criminal Evidence Act 1984.".

Retention of DNA profiles or fingerprints: persons given a prosecutorial fine

85 After Article 63K of the Police and Criminal Evidence (Northern Ireland) Order 1989 insert—

"**Retention of Article 63B material: persons given a prosecutorial fine notice**

63KA.—(1) This Article applies to Article 63B material which—

(a) relates to a person who is given a prosecutorial fine notice under section 18 of the Justice Act (Northern Ireland) 2015, and

(b) was taken (or, in the case of a DNA profile, derived from a sample taken) from the person in connection with the investigation of the offence (or one of the offences) to which the notice relates.

(2) The material may be retained—

(a) in the case of fingerprints, for a period of 2 years beginning with the date on which the fingerprints were taken,

(b) in the case of a DNA profile, for a period of 2 years beginning with—

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(i) the date on which the DNA sample from which the profile was derived was taken, or

(ii) if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken.".

Power to retain DNA profile or fingerprints in connection with different offence

86 For Article 63N of the Police and Criminal Evidence (Northern Ireland) Order 1989 (Article 63B material obtained for one purpose and used for another) substitute—

"**Retention of Article 63B material in connection with different offence**

63N.—(1) Paragraph (2) applies if—

(a) Article 63B material is taken (or, in the case of a DNA profile, derived from a sample taken) from a person in connection with the investigation of an offence, and

(b) the person subsequently—

(i) is arrested for or charged with a different offence,

(ii) is convicted of a different offence,

(iii) is given a penalty notice or a prosecutorial fine notice in respect of a different offence;

(iv) is given a caution in respect of a different offence committed when the person is under the age of 18; or

(v) completes a diversionary youth conference process with respect to a different offence.

(2) Articles 63C to 63M and Articles 63O and 63Q have effect in relation to the material as if the material were also taken (or, in the case of a DNA profile, derived from a sample taken)—

(a) in connection with the investigation of the offence mentioned in paragraph (1)(b),

(b) on the date on which the person was arrested for that offence or, if the person was not arrested, on the date on which the person—

(i) was charged with the offence or given a penalty notice or prosecutorial fine in respect of the offence, or

(ii) was cautioned in respect of the offence; or

(iii) completed the diversionary youth conference process with respect to the offence.

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(3) Paragraph (3) of Article 63J applies for the purposes of this Article as it applies for the purposes of Article 63J.".

Retention of personal samples that are or may be disclosable

87 In Article 63R of the Police and Criminal Evidence (Northern Ireland) Order 1989 (exclusions for other regimes)—

(a) in paragraph (5) (material that is or may become disclosable to the defence) for "Articles 63B to 63O and 63Q" substitute " Articles 63B to 63Q ";

(b) after that paragraph insert—

"(5A) A sample that—

(a) falls within paragraph (5), and

(b) but for that paragraph would be required to be destroyed under Article 63P,

must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.

(5B) A sample that once fell within paragraph (5) but no longer does, and so becomes a sample to which Article 63P applies, must be destroyed immediately if the time specified for its destruction under that Article has already passed.".

VALID FROM 01/04/2016

Early guilty pleas

Sentencing court to indicate sentence which would have been imposed if guilty plea entered at earliest reasonable opportunity

88.—(1) Subsection (2) applies where in any criminal proceedings a person ("D") is convicted of an offence and—

(a) D did not at any stage of the proceedings plead guilty to the offence; or

(b) D's plea of guilty to the offence (or D's indication of intention to plead guilty) was not, in the opinion of the court, entered (or given) at the earliest reasonable opportunity.

(2) The court in sentencing D for the offence must indicate the sentence which the court would have imposed for the offence if D had pleaded guilty to the offence (or indicated D's intention to do so) at the earliest reasonable opportunity in the proceedings.

(3) For the purposes of this section—

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(a) a plea of guilty which is changed to a plea of not guilty is to be disregarded;

(b) an indication of intention to plead guilty is to be disregarded if a plea of not guilty is actually entered.

Sexual offences against children

Meeting a child following sexual grooming etc.

89 In Article 22(1)(a) of the Sexual Offences (Northern Ireland) Order 2008 (meeting a child following sexual grooming etc.) for "on at least two occasions" substitute " on one or more occasions ".

Sexual communication with a child

90.—(1) In the Sexual Offences (Northern Ireland) Order 2008 after Article 22 insert—

"**Sexual communication with a child**

22A.—(1) A person aged 18 or over (A) commits an offence if—

(a) for the purpose of obtaining sexual gratification, A intentionally communicates with another person (B),

(b) the communication is sexual or is intended to encourage B to make (whether to A or to another) a communication that is sexual, and

(c) B is under 16 and A does not reasonably believe that B is 16 or over.

(2) For the purposes of this Article, a communication is sexual if—

(a) any part of it relates to sexual activity, or

(b) a reasonable person would, in all the circumstances but regardless of any person's purpose, consider any part of the communication to be sexual;

and in sub-paragraph (a) "sexual activity" means an activity that a reasonable person would, in all the circumstances but regardless of any person's purpose, consider to be sexual.

(3) A person guilty of an offence under this Article is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.".

(2) In Article 4 of that Order (meaning of "sexual") after "except" insert " Article 22A (sexual communication with a child) or ".

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(3) In Article 76(10)(a) of that Order (offences outside the United Kingdom) after "children)" insert " except Article 22A ".

(4) In the Sexual Offences Act 2003 in Schedule 3 (sexual offences for purposes of Part 2 of that Act) after paragraph 92H insert—

"**92HA** An offence under Article 22A of that Order (sexual communication with a child)".

(5) In the Criminal Justice (Northern Ireland) Order 2008 in Part 2 of Schedule 2 (specified sexual offences) in paragraph 14A after the entry relating to Article 22 of the Sexual Offences (Northern Ireland) Order 2008 insert— " Article 22A (sexual communication with a child), ".

VALID FROM 31/10/2016

Avoiding delay in criminal proceedings

PROSPECTIVE

General duty to progress criminal proceedings

91 In relation to criminal proceedings in the Crown Court or a magistrates' court, it is the duty of the court, the prosecution and the defence to reach a just outcome as swiftly as possible.

Case management regulations

92.—(1) The Department may make regulations in relation to the management and conduct of criminal proceedings in the Crown Court or a magistrates' court.

(2) The regulations may impose duties on—

(a) the court;

(b) the prosecution; and

(c) the defence.

(3) The regulations may confer functions on the court in relation to the active case management of criminal cases.

(4) Active case management includes in particular—

(a) the early identification of the real issues;

(b) the early identification of the needs of witnesses;

(c) achieving certainty as to what must be done, by whom, and when, in particular by the early setting of a timetable for the progress of the case;

(d) monitoring the progress of the case and compliance with directions;

(e) ensuring that evidence, whether disputed or not, is presented in the shortest and clearest way;

(f) discouraging delay, dealing with as many aspects of the case as possible on the same occasion, and avoiding unnecessary hearings;

(g) encouraging the participants to co-operate in the progression of the case;

(h) making use of technology; and

(i) giving any direction appropriate to the needs of that case as early as possible.

(5) The regulations must in particular take account of the need to identify and respect the needs of—

(a) victims,

(b) witnesses, particularly those to whom Article 4(2) of the Criminal Evidence (Northern Ireland) Order 1999 may apply; and

(c) persons under the age of 18.

(6) Before making any regulations under this section the Department must consult—

(a) the Lord Chief Justice;

(b) the Director of Public Prosecutions;

(c) the General Council of the Bar of Northern Ireland; and

(d) the Law Society of Northern Ireland.

VALID FROM 01/04/2016

Public Prosecutor's summons

Public Prosecutor's summons

93.—(1) Where a complaint has been made by a Public Prosecutor to a lay magistrate for any county court division that a person has, or is suspected of having, committed a summary offence in respect of which a magistrates' court for that county court division has jurisdiction to hear a charge, the Public Prosecutor may issue a summons directed to that person requiring that person to appear before that court to answer to the complaint.

(2) Where—

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(a) a Public Prosecutor issues a summons under subsection (1) directed to a person requiring that person to appear before a magistrates' court for a county court division, and

(b) a complaint has been made to a lay magistrate that the person in respect of whom the summons has been issued has, or is suspected of having, committed a summary offence in another county court division,

the Public Prosecutor may issue a summons directed to that person requiring that person to appear before that court to answer to the complaint.

(3) Where a Public Prosecutor has made a complaint to a lay magistrate for any county court division that a person has, or is suspected of having, committed an indictable offence into which a magistrates' court for that county court division has jurisdiction to conduct a preliminary investigation or a preliminary inquiry the Public Prosecutor may issue a summons requiring that person to appear before that magistrates' court.

(4) Where a Public Prosecutor is satisfied that a summons issued under subsection (1) has not been served, the Public Prosecutor may, without a complaint being made to a lay magistrate, re-issue the summons extending the time for the appearance of the person summoned.

(5) Any existing statutory provision which applies to a complaint made or summons issued under paragraph (1), (2), (3) or (4A) of Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981 shall apply (with appropriate modifications) to a complaint made or summons issued by a Public Prosecutor under the corresponding subsection of this section.

(6) In this section "Public Prosecutor" has the meaning given in section 29(5) of the Justice (Northern Ireland) Act 2002.

Defence access to premises

Defence access to premises

94.—(1) Where a person charged with an offence appears or is brought before a court in connection with that offence, the court may, on the application of that person, make an order under this section for access by or on behalf of that person to any premises specified in the order.

(2) Where a person convicted of an offence appeals against that conviction, the court to which the appeal lies may, on the application of that person, make an order under this section for access by or on behalf of that person to any premises specified in the order.

(3) In this section—

(a) in relation to an order made under subsection (1), "D" and "the court" mean, respectively, the person and the court referred to in that subsection;

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(b) in relation to an order made under subsection (2), "D" and "the court" mean, respectively, the person and the court referred to in that subsection;

(c) "premises" means any place and, in particular, includes a vehicle, vessel or moveable object;

(d) "specified", in relation to an order under this section, means specified in the order.

(4) The court shall not make an order under this section in relation to any premises unless it is satisfied that—

(a) access to the premises is required to ensure compliance with Article 6 of the European Convention on Human Rights; and

(b) the order is an appropriate means of securing such access.

(5) An order under this section for access to any premises authorises the specified persons—

(a) to enter those premises;

(b) to inspect those premises and anything on those premises;

(c) to carry out any other specified activity on those premises or in relation to anything on those premises.

(6) An order under this section does not of itself authorise the release of D from custody.

(7) An order under this section may include conditions in connection with the access granted by the order to any premises including conditions—

(a) requiring the specified persons to be accompanied by a police officer at all times while on the premises;

(b) as to the date and time of day when access to the premises is to take place;

(c) as to the conduct of any activity specified under subsection (5)(c);

(d) as to such other matters as the court thinks fit.

(8) An order under this section authorises entry to the specified premises on one occasion only; but nothing in this section prevents a court from making more than one order in relation to any premises.

(9) An application to a court for an order under this section in relation to any premises is to be made in accordance with the rules governing the practice and procedure of that court; and such rules may in particular provide for—

(a) notice of the making of the application to be served on the occupier of the premises and any other persons appearing to the court to have an interest in the matter; and

(b) for such persons to have an opportunity to make representations to the court as to the conditions to be imposed in relation to any order made under this section.

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Commencement Information

I28 S. 94 in operation at 29.1.2016 by S.R. 2015/418, **art. 2(a)**

Court security officers

Powers of court security officers

95 At the end of Schedule 3 to the Justice (Northern Ireland) Act 2004 (court security officers) add—

"**Powers of court security officers to extend to land on which relevant building stands**

8 Any power of a court security officer exercisable in, or in relation to, the relevant building, is also exercisable in, or in relation to, any place within the boundary of the land on which the building stands; and references in this Schedule to a relevant building are to be construed accordingly".

Commencement Information

I29 S. 95 in operation at 30.9.2015 by S.R. 2015/324, **art. 3(b)**

Causing or allowing child or vulnerable adult to suffer serious physical harm

Causing or allowing child or vulnerable adult to suffer serious physical harm

96.—(1) Section 5 of the Domestic Violence, Crime and Victims Act 2004 (offence of causing or allowing the death of a child or vulnerable adult) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a) after "dies" insert " or suffers serious physical harm ";

(b) in paragraph (d) for "V's death" substitute " the death or serious physical harm ".

(3) In subsection (3)(a) for "V's death" substitute " the death or serious physical harm ".

(4) In subsection (4)(b) for "V's death" substitute " the death or serious physical harm ".

(5) In subsection (7) after "this section" insert " of causing or allowing a person's death ".

(6) After that subsection insert—

"(8) A person guilty of an offence under this section of causing or allowing a person to suffer serious physical harm is liable on conviction on indictment to imprisonment for a term not exceeding 10 years or to a fine, or to both.".

(7) For the cross-heading before section 5 substitute " Causing or allowing a child or vulnerable adult to die or suffer serious physical harm ".

(8) Schedule 6 (which contains amendments consequential on this section) has effect.

Commencement Information

I30 S. 96 in operation at 29.1.2016 by S.R. 2015/418, **art. 2(b)**

Domestic violence protection notices and orders

Domestic violence protection notices and orders

97 Schedule 7 (which makes provision about domestic violence protection notices and orders) has effect.

Commencement Information

I31 S. 97 partly in operation; s. 97 in operation for certain purposes at 25.7.2015 see s. 106(1)(f)

Youth justice

Aims of youth justice system

98 In section 53 of the Justice (Northern Ireland) Act 2002 (Aims of youth justice system) for subsection (3) substitute—

"(3) But all such persons and bodies must also—

(a) have the best interests of children as a primary consideration; and

(b) have regard to the welfare of children affected by the exercise of their functions (and to the general principle that any delay in dealing with children is likely to prejudice their welfare), with a view (in particular) to furthering their personal, social and educational development.".

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Amendment to section 10 of the Criminal Justice Act (Northern Ireland) 2013

99.—(1) Section 10 of the Criminal Justice Act (Northern Ireland) 2013 (release on licence of child convicted of serious offence) is amended as follows.

(2) Omit subsection (5).

(3) For subsection (6) substitute—

"(6) Subsection (7) applies where—

(a) on commencement a person is detained in pursuance of a sentence under Article 45(2) of the 1998 Order, and

(b) that person is a person whose licence has been revoked under Article 46(2) of the 1998 Order.".

Salary of Lands Tribunal members

Salary of Lands Tribunal members

100.—(1) Section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 is amended as follows.

(2) For subsections (5) and (5A) substitute—

"(5) There shall be paid to the members of the Lands Tribunal appointed under section 1(2) such remuneration as the Department of Justice may determine.".

Amendment to Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

Amendment to Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

101.—(1) Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (independent guardian) is amended as follows.

(2) In subsection (4) for paragraph (a) (which requires arrangements to be made with a charity registered under the Charities Act (Northern Ireland) 2008) substitute—

"(a) be made with a charity;".

(3) In subsection (11) (definitions) after the definition of "administrative decision" insert—

""charity" means an institution which is—

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(a) a charity within the meaning of section 1 of the Charities Act (Northern Ireland) 2008 or treated as such a charity by virtue of the Charities Act 2008 (Transitional Provision) Order (Northern Ireland) 2013;

(b) a charity within the meaning of section 1 of the Charities Act 2011; or

(c) a charity within the definition set out in section 106 of the Charities and Trustee Investment (Scotland) Act 2005;".

PART 10

SUPPLEMENTARY PROVISIONS

Regulations, orders and directions

102.—(1) Except as provided by subsection (2), regulations made by the Department under this Act are subject to negative resolution.

(2) Regulations under sections 65 to 69 shall not be made unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(3) Except as provided by subsections (4) to (6), orders made by the Department under this Act are subject to negative resolution.

(4) Subsection (3) does not apply to an order under section 106(2).

(5) An order under section 31(3) is subject to negative resolution only if it is made without a draft of the order having been laid before and approved by a resolution of the Assembly.

(6) No order to which this subsection applies may be made unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(7) Subsection (6) applies to—

(a) an order under section 4(7), 11(4), 50(11), 51(12) or paragraph 10 of Schedule 7;

(b) an order under section 6(2) containing provision which amends or repeals a provision of an Act of Parliament or Northern Ireland legislation.

(8) 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.

(9) A power to give directions under this Act includes power—

(a) to amend or revoke the directions;

(b) to include in the directions such incidental, supplementary, transitional and saving provisions as appear to the person giving the directions to be necessary or expedient.

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Interpretation

103.—(1) In this Act—

"the Department" means the Department of Justice;

"Northern Ireland" has the meaning given by the Northern Ireland Act 1998;

"statutory provision" has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954; and "existing statutory provision", in any provision of this Act, means a statutory provision passed or made before the coming into operation of that provision.

(2) In any provision of this Act "commencement" means the date on which that provision comes into operation.

Transitional provisions, etc.

104 Schedule8 (which contains transitional provisions and savings) has effect.

Repeals

105 The statutory provisions set out in Schedule9 are repealed to the extent specified in the second column of that Schedule.

Commencement Information

I32 S. 105 partly in operation; s. 105 in operation for certain purposes at 25.7.2015 see s. 106(1)(g)

Commencement

106.—(1) The following provisions of this Act come into operation on the day after this Act receives Royal Assent—

(a) section 36 and Schedule 3;

(b) sections 89 and 90;

(c) sections 98 to 103;

(d) section 104 and Schedule 8;

(e) this section;

(f) paragraph 10 of Schedule 7 and section 97 so far as relating to that paragraph;

(g) in Schedule 9, Part 6 (and section 105 so far as relating to that Part).

(2) The other provisions of this Act come into operation on such day or days as the Department may by order appoint.

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(3) Without prejudice to section 102(8), an order under subsection (2) 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.

PROSPECTIVE

Short title

107 This Act may be cited as the Justice Act (Northern Ireland) 2015.

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SCHEDULES

VALID FROM 31/10/2016

SCHEDULE 1

Section 6.

AMENDMENTS: SINGLE JURISDICTION

The Gaming Act (Ireland) 1739 (c. 8)

1 In section 16 (bringing of actions) omit the words from "and shall be laid" to the end.

The Forcible Entry Act (Ireland) 1786 (c. 24)

2 In section 65 (indictments) for "some one or more of the justices of the peace of the county, county of the city or town where such indictment shall be made" substitute "a district judge (magistrates' courts)".

The Parliamentary Representation Act (Ireland) 1800 (c. 29)

3 In section 7 (writs) for "crown office in Ireland" and "crown office of Ireland" substitute " chief clerk ".

The Tolls (Ireland) Act 1817 (c. 108)

4 In section 7 (schedule of tolls) for "chief clerk for the county court division where such custom, toll, or duty may be claimed," substitute " chief clerk ".

The Tithe Rentcharge (Ireland) Act 1838 (c. 109)

5 In section 27 (recovery of rent-charge) omit "wherein the lands charged therewith may be situate".

The Defence Act 1842 (c. 94)

6 In section 24 (compensation)—

(a) for "two justices of the peace of the county, riding, stewartry, city or place" substitute " a court of summary jurisdiction ";

(b) for "such justices" substitute " that court ".

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The Fisheries (Ireland) Act 1842 (c. 106)

7.—(1) In section 92 (byelaws) for the words from "deposited with" to "in each such petty sessions district" substitute " deposited with the clerk of petty sessions who shall publish notice of the lodgement; ".

(2) In section 103 omit "in the district where the same shall be seized".

The Companies Clauses Consolidation Act 1845 (c. 16)

8.—(1) In section 3 (interpretation) omit "acting for the place where the matter requiring the cognizance of any such justice shall arise and".

(2) In section 161 (deposit of copies of special Act) for the words from "deposit in the office" to "into which the works shall extend" substitute " deposit in the office of the chief clerk ".

The Lands Clauses Consolidation Act 1845 (c. 18)

9 In section 150 (deposit of copies of special Act) for the words from "deposit in the office" to "into which the works shall extend" substitute " deposit in the office of the chief clerk ".

The Railways Clauses Consolidation Act 1845 (c. 20)

10.—(1) In section 7 (correction of plans) for the words from "deposited with" to "shall be situate" substitute " deposited with the chief clerk ".

(2) In section 8 (deposit of plans) for the words from "deposited with" to "intended to pass" substitute " deposited with the chief clerk ".

(3) In section 11 (limitation of deviation)—

(a) for the words from "two or more justices" to "may be situated" substitute " a court of summary jurisdiction ";

(b) omit the words from "Provided also, that" to the end.

(4) In section 59 (consent to level crossing)—

(a) for the words from "any two or more justices" to "is situate, and assembled in petty sessions" substitute " a court of summary jurisdiction ";

(b) for "such justices" substitute " that court ".

The Ejectment and Distress (Ireland) Act 1846 (c. 111)

11 In section 16 for the words from "apply to any one" to "fixed in such summons" substitute "apply to a district judge (magistrates' courts) for the redress of his grievance, whereupon the district judge shall summon the person

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complained of to appear before a court of summary jurisdiction at a reasonable time to be fixed in the summons.”.

The Markets and Fairs Clauses Act 1847 (c. 14)

12.—(1) In section 7 (correction of errors) for “the chief clerk for the county court division in which the lands affected thereby shall be situated” substitute “ the chief clerk ”.

(2) In section 50 (annual account) for “the chief clerk for the county court division in which the market or fair is situate” substitute “ the chief clerk ”.

(3) In section 58 (deposit of special Act) for the words from “deposit in” to “is situate” substitute “ deposit in the office of the chief clerk ”.

The Commissioners Clauses Act 1847 (c. 16)

13.—(1) In section 95 for “the chief clerk for the county court division where the undertaking is situate” substitute “ the chief clerk ”.

(2) In section 110 (copies of special Act) for the words from “deposit in” to “is situate” substitute “ deposit in the office of the chief clerk ”.

The Harbours, Docks and Piers Clauses Act 1847 (c. 27)

14.—(1) In section 7 (correction of plans) for the words from “be deposited in” to “are situate” substitute “ be deposited with the chief clerk ”.

(2) In section 8 (alterations to plans) for the words from “deposited with the said” to “is situate” substitute “ deposited with the chief clerk ”.

(3) In section 50 (annual account) for the words from “charge, to the” to “is situate” substitute “ charge, to the chief clerk ”.

(4) In section 97 (copies of special Act) for the words from “deposit in” to “is situate” substitute “ deposit in the office of the chief clerk ”.

The Towns Improvement Clauses Act 1847 (c. 34)

15.—(1) In section 3 (interpretation)—

(a) in the definition of “justice” for the words from “shall mean” to “arises” substitute “ shall mean a lay magistrate ”;

(b) in the definition of “quarter sessions” for the words from “shall mean” to the end substitute “ shall mean the county court ”.

(2) In section 20 (correction of errors) for “the chief clerk for the county court division in which the lands affected thereby shall be situated” substitute “ the chief clerk ”.

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(3) In section 214 (copies of special Act) for the words from "deposit in" to "is situated" substitute " deposit in the office of the chief clerk ".

The Cemeteries Clauses Act 1847 (c. 65)

16.—(1) In section 7 (correction of errors) for the words from "deposited with" to "shall be situated" substitute " deposited with the chief clerk ".

(2) In section 60 (annual accounts) for the words from "charge, to the" to "is situated" substitute " charge, to the chief clerk ".

(3) In section 66 (copies of special Act) for the words from "deposit in" to "is situated" substitute " deposit in the office of the chief clerk ".

The Vagrancy (Ireland) Act 1847 (c. 84)

17 In section 8 (interpretation) for the words from "any justice" to "town corporate" substitute "any lay magistrate or district judge (magistrates' courts)".

The Town Police Clauses Act 1847 (c. 89)

18 In section 77 (copies of special Act) for the words from "deposit in" to "is situated" substitute " deposit in the office of the chief clerk ".

The Railway Act (Ireland) 1851 (c. 70)

19.—(1) In section 4 (deposit of maps) for the words from "or so much thereof as relates" to the end substitute " with the chief clerk ".

(2) In section 8 (notice of appointment of arbitrator) for the words "with the chief clerks for the county court division" substitute " with the chief clerk ".

(3) In section 11 (retention of documents) for the words from the beginning to "hereby" substitute " The chief clerk is hereby ".

The Fines Act (Ireland) 1851 (c. 90)

20.—(1) In section 6 (enforcement) for "two justices of the county" substitute "district judge (magistrates' courts)".

(2) In section 8 (penalties) for "two justices of the county" substitute "district judge (magistrates' courts)".

The Summary Jurisdiction (Ireland) Act 1851 (c. 92)

21 In section 1 (jurisdiction of justices) omit—

(a) "within his or their respective jurisdictions"; and

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(b) "(when the case shall be heard in any petty sessions district)".

The Petty Sessions (Ireland) Act 1851 (c. 93)

22.—(1) In section 26(3) (execution of warrants) for the words from "at any place" to "adjoining county" substitute " at any place ".

(2) In section 28 (backing of warrants) for the words from "are not to be found" to "in any of the places" substitute " are in any of the places ".

(3) In section 31 (execution of warrant) for the words from "or peace officers" to the end substitute "to execute the warrant by arrest, committal, or levy, as the case may be, and in the case of a warrant to arrest any person and convey him when arrested before any district judge (magistrates' courts) to be dealt with according to law.".

The Boundary Survey (Ireland) Act 1854 (c. 17)

23 In section 12 (alteration of boundary) for the words from "transmitted to" to "way relate" substitute " transmitted to the chief clerk ".

The Towns Improvement (Ireland) Act 1854 (c. 103)

24 In section 1 (interpretation) omit the definition of "assistant barrister".

The Boundary Survey (Ireland) Act 1859 (c. 8)

25 In section 4 (publication of order) for the words from "transmitted to" to "way relate" substitute " transmitted to the chief clerk ".

The Ecclesiastical Courts Jurisdiction Act 1860 (c. 32)

26 In section 3 (offenders) for the words from "taken before" to the end substitute "taken before a district judge (magistrates' courts) to be dealt with according to law.".

The Tramways (Ireland) Act 1860 (c. 152)

27 In section 33 (entry to land)—

(a) for the words from "under the hand" to "not having" substitute "under the hand of a district judge (magistrates' courts) who does not have";

(b) for the words from "fixed by" to "same district" substitute "fixed by a district judge (magistrates' courts)".

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The Landlord and Tenant Law Amendment Act (Ireland) 1860 (c. 154)

28.—(1) In section 35 (restraint of waste)—

(a) for the words from "satisfy" to "of the county" substitute "satisfy a district judge (magistrates' courts)";

(b) for the words from "at the next" to "premises are situate" substitute " at the next petty sessions ".

(2) In sections 63 and 69 (deposit of sums due) for "chief clerk for the county court division" substitute " chief clerk ".

(3) In section 79 (view of lands) for the words from "lawful for" to "shall be situate and" substitute "lawful for a district judge (magistrates' courts)".

(4) In Schedule (A) (forms) omit "for the county of M," (wherever occurring).

The Railways Act (Ireland) 1864 (c. 71)

29 In section 14 (value of crops) for the words from "determined by" to the end substitute "determined by a district judge (magistrates' courts)".

The Dockyard Ports Regulation Act 1865 (c. 125)

30 Omit section 22 (jurisdiction of justices over vessels).

The Promissory Oaths Act 1871 (c. 48)

31 In section 2 (persons who may take oaths) for the words from "or at the" to the end substitute " or at the county court ".

The Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1871 (c. 49)

32 In section 23 (register books) for the words from "information thereof to" to "solemnized" substitute "information thereof to a district judge (magistrates' courts)".

The Public Health (Ireland) Act 1878 (c. 52)

33.—(1) In section 2 (interpretation) omit the definition of "court of quarter sessions".

(2) In section 269 (appeals) for subsection (1) substitute—

"(1) The appeal shall be made to the county court."

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The Settled Land Act 1882 (c. 38)

34 In section 46(10) (payment into court) for the words from "be exercised by" to the end substitute " be exercised by the county court ".

The Married Women's Property Act 1882 (c. 75)

35 In section 17 (summary decision of questions) for the words from "in a summary way" to "and the court" substitute " in a summary way to the High Court or a county court and the court "

The Explosive Substances Act 1883 (c. 3)

36 In section 6(1) (inquiry into crimes) omit—

(a) "for the county, borough, or place in which the crime was committed or is suspected to have been committed";

(b) "in the said county, borough, or place".

The Bills of Sale (Ireland) Act (1879) Amendment Act 1883 (c. 7)

37 In section 11 (registration) for the words from "transmit" to the end of the first paragraph substitute " transmit an abstract in the prescribed form of the contents of such bill of sale to the chief clerk. ".

The Local Government (Ireland) Act 1898 (c. 37)

38 In section 69 (boundaries)—

(a) in subsection (3) omit the words from "provided that" to the end;

(b) omit subsections (4) and (5).

The Open Spaces Act 1906 (c. 25)

39 In section 4(2) (transfer of open space) omit the words from "of the district" to the end.

The Summary Jurisdiction (Ireland) Act 1908 (c. 24)

40 In sections 1(2) and 2(2) (habitual drunkards) for the words from "anyone holding" to the end substitute " any justice of the peace ".

The Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)

41 In section 11(b) omit the words "and as if after the words "petty sessions" there were inserted " for the petty sessions district for which the court which made the order acts ".".

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The Government Annuities Act 1929 (c. 29)

42 In section 48(1) (power to recover in county court) omit the words from "of the district in which the contract" to the end.

The Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1935 (c. 13)

43 Omit section 42 (abolition of town courts).

The Water Supplies and Sewerage Act (Northern Ireland) 1945 (c. 17)

44 In section 16(1) (interpretation) omit the definition of "County Court".

The Agriculture Act (Northern Ireland) 1949 (c. 2)

45 In section 17 (appeals) omit—

(a) in subsection (1) the words "having jurisdiction for the area in which the land to which the notice relates is situate";

(b) subsection (3).

The Maintenance Orders Act 1950 (c. 37)

46.—(1) In section 17(1)(b) (registration of maintenance orders) omit "acting for the same petty sessions district as the court which made the order".

(2) In section 22(1J)(a) (discharge and variation of maintenance orders) omit the words from "and as if" to the end.

The Foyle Fisheries Act (Northern Ireland) 1952 (c. 5)

47.—(1) In section 6 (deposit of certain documents) for paragraphs (a) and (b) substitute—

"(a) with the chief clerk and clerk of petty sessions; and".

(2) In section 55(11) omit the words from "sitting for the petty sessions district" to the end.

(3) In section 64 (disposal of things seized) omit "sitting for the petty sessions district in which it was seized".

The Interpretation Act (Northern Ireland) 1954 (c. 33)

48.—(1) Section 42 (definitions for judicial purposes) is amended as follows.

(2) In subsection (1) in the definition of "county court" omit "for a division".

(3) Omit subsection (2).

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The Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1958 (c. 9)

49 In section 16(2) for the words from "clerk of the petty sessions district" to the end substitute " clerk of petty sessions ".

The Coroners Act (Northern Ireland) 1959 (c. 15)

50.—(1) In section 18 (jury to be summoned in certain cases) for subsection (3) substitute—

"(3) In subsection (1) the reference to the Juries Officer is a reference to the Juries Officer for the division which includes the place specified by the coroner under that subsection; and "Juries Officer" and "division" have the same meanings as in the Juries (Northern Ireland) Order 1996.".

(2) In section 31(2) (verdicts)—

(a) omit "county court";

(b) at the end add "; and in this subsection "Juries Officer" and "division" have the same meanings as in the Juries (Northern Ireland) Order 1996.".

The County Courts Act (Northern Ireland) 1959 (c. 25)

51 In section 102 (appointment and assignment of judges)—

(a) in subsection (3) for "for any division" substitute " in any county court ";

(b) in subsection (4) for "shall assign one or more judges to each division" substitute " may assign a judge to one or more division ";

(c) in subsection (6) at the end add " and "division" means an administrative court division specified under section 2 of the Justice Act (Northern Ireland) 2015 for all or the residual purposes of a county court. ".

The Northern Ireland Act 1962 (c. 3)

52 In section 29(1) (interpretation) omit the definition of "county court".

The Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962 (c. 13)

53 In section 13(4)(b) (licences, etc.) omit the words from "for the division in which are situated" to the end.

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The Electoral Law Act (Northern Ireland) 1962 (c. 14)

54 In section 110(2) (recovery of sums) omit the words from "acting for" to "was arrested".

The Caravans Act (Northern Ireland) 1963 (c. 17)

55.—(1) In section 7(1) (appeal against conditions of site licence) for "the court of summary jurisdiction acting for the petty sessions district in which the land is situated" substitute " a court of summary jurisdiction ".

(2) In section 8(2) (appeal against alteration of site licence) for "the court of summary jurisdiction acting for the petty sessions district in which the land to which the site licence relates is situated" substitute " a court of summary jurisdiction ".

The Agricultural Marketing Act (Northern Ireland) 1964 (c. 13)

56 In section 13(5) (appeals) omit the words from "for any division" to the end.

The Magistrates' Courts Act (Northern Ireland) 1964 (c. 21)

57.—(1) Omit section 3 (justices of the peace).

(2) In section 9 (appointment and assignment of district judges (magistrates' courts))—

(a) in subsection (4) for "in any petty sessions district" substitute "in any magistrates' court";

(b) in subsection (5) for "petty sessions districts" substitute " divisions ";

(c) at the end add—

"(6) In subsection (5) "division" means an administrative court division specified under section2 of the Justice Act (Northern Ireland) 2015 for all or the residual purposes of a magistrates' court.".

The Fisheries Act (Northern Ireland) 1966 (c. 17)

58.—(1) In section 170 (appointment of private water bailiffs)—

(a) in subsection (2) omit the words from "sitting for" to the end;

(b) in subsection (5) for the words from "within the petty sessions district" to "district is one, the court" substitute " a court of summary jurisdiction ";

(c) in subsection (5A) omit the words from "for the petty sessions district" to the end.

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(2) In section 180 (disposal of things seized) omit the words from "sitting for the petty sessions district" to "was seized".

(3) In section 188 (offences at sea)—

(a) in subsection (1) for the words from the beginning to "in that district" substitute " The jurisdiction of any court of summary jurisdiction or lay magistrate " and omit "within that district";

(b) in subsection (2) for the words "any resident magistrate or justice of the peace" substitute " lay magistrate " and omit the words "within the petty sessions district for which that court sits or in which that magistrate or justice has authority".

(4) In section 197(1) omit "for the petty sessions district in which that person resides, or in which the offence was committed".

(5) In Schedule 5A (renewal of appointment of private water bailiff) in paragraph 5 in the definition of "the court" omit the words from "sitting for the petty sessions district" to the end.

The Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (c. 35)

59 In section 11(2)(b) (registration of orders) omit "acting for the petty sessions district in which the defendant appears to be".

The Medicines Act 1968 (c. 67)

60 In Schedule 3 (sampling) in paragraph 28(2) omit the words from "for the district" to the end.

The Treatment of Offenders Act (Northern Ireland) 1968 (c. 29)

61 In section 21 (suspended sentences)—

(a) in subsection (1) omit the words from "having jurisdiction in the county court division" to "he is convicted";

(b) in subsection (3) omit "having jurisdiction in the place where he is arrested".

The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)

62.—(1) In section 178 (assessors for county court)—

(a) in subsection (1) omit "appropriate";

(b) in subsection (4) omit the definition of "appropriate lay magistrate".

(2) In Schedule 2 (constitution of juvenile court)—

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(a) in paragraph 3(1) omit the words from "for the county court division" to "adjoins that county court division";

(b) omit paragraph 7;

(c) omit paragraph 8(b).

The Industrial and Provident Societies Act (Northern Ireland) 1969 (c. 24)

63 In section 67(6)(a) (dissolution of society) omit "for the district where the registered office of the society is situate".

The Immigration Act 1971 (c. 77)

64.—(1) In section 25D (detention of ship, aircraft or vehicle) in subsection (6) for paragraph (c)(i) and (ii) substitute—

"(i) if the arrested person has not been charged, or he has been charged but proceedings for the offence have not begun to be heard, a magistrates' court;".

(2) In section 28K (execution of warrant) in subsection (9)(b) omit "for the petty sessions district in which the premises are situated".

(3) In Schedule 2 (control on entry)—

(a) in paragraph 24(2)(a) omit "acting for the petty sessions area in which he is arrested";

(b) in paragraph 33(2)(a) omit "acting for the petty sessions area in which he is arrested".

(4) In Schedule 3 (deportation)—

(a) in paragraph 6(3)(b) omit "acting for the county court division where the person to whom the application relates resides";

(b) in paragraph 8(1) omit "for the petty sessions district in which he was arrested".

The Civil Evidence Act (Northern Ireland) 1971 (c. 36)

65 In section 8(5) (findings of adultery and paternity as evidence in civil proceedings)—

(a) in the definition of "matrimonial proceedings" omit "divorce"; and

(b) omit the words " "divorce county court" has the same meaning as in the Matrimonial Causes (Northern Ireland) Order 1978 and".

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The Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

66.—(1) In section 9(1ZB)(b) (variation and revocation of registered orders) omit the words from "and as if" to the end.

(2) Omit section 17(4) (proceedings in magistrates' courts).

(3) In section 18(2) (rules) after "subsection (1) above" insert " (other than paragraph (a)) ".

(4) In section 26(6)(b) (applications for recovery) for the words from "of the court" to the end substitute " of petty sessions ".

(5) In section 28D (sending applications)—

(a) in subsection (1) omit "acting for the petty sessions district in which the respondent is residing";

(b) omit subsections (4) and (5).

(6) Omit section 47(3) (interpretation).

The Health and Personal Social Services (Northern Ireland) Order 1972 (NI 14)

67 In Schedule 6 (removal to suitable premises), in paragraph 1 for the words from "apply to the court of summary jurisdiction" to the end substitute " apply to a court of summary jurisdiction for an order under paragraph 2 ".

The Drainage (Northern Ireland) Order 1973 (NI 1)

68 In Schedule 5 (duties of occupiers), in paragraph 6(d) omit the words from "for the division" to "is situate".

The Consumer Credit Act 1974 (c. 39)

69.—(1) In section 140B (powers of court) omit subsection (7).

(2) In section 143 (jurisdiction of county court) omit paragraphs (a) and (b).

The Friendly Societies Act 1974 (c. 46)

70.—(1) In section 93(3) (dissolution) for the words from "make an application" to "county court or sheriff" substitute " make an application to the county court, and on any such application the county court ".

(2) Omit section 102 (jurisdiction of magistrates' courts in Northern Ireland).

The Treatment of Offenders (Northern Ireland) Order 1976 (NI 4)

71 In Article 5 (liability to be dealt with)—

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(a) in paragraph (1)(b) omit the words from "having jurisdiction in the county court division" to "was convicted";

(b) in paragraph (2)(b) omit "acting for the same county court division as that court".

The Criminal Damage (Compensation)(Northern Ireland) Order 1977 (NI 14)

72 In Article 2 (interpretation) omit paragraph (3).

The Rates (Northern Ireland) Order 1977 (NI 28)

73 In Article 32(3) (recovery of rates) omit the words from "having jurisdiction" to the end.

The Judicature (Northern Ireland) Act 1978 (c. 23)

74.—(1) Omit section 103 (justices of the peace).

(2) In section 120(1) (interpretation)—

(a) in the definition of "county court" omit "for a division";

(b) in the definition of "division" omit the words in brackets.

(3) In Schedule 6 (transitional provisions), omit paragraph 8.

The Interpretation Act 1978 (c. 30)

75 In Schedule 1 (definitions), in paragraph (b) of the definition of "county court", omit "for a division".

The Matrimonial Causes (Northern Ireland) Order 1978 (NI 15)

76.—(1) In Article 2(2) (interpretation) omit the definition of "divorce county court".

(2) In Article 35(4) (order for repayment of sums paid under certain orders) omit the words from "and, accordingly" to the end.

(3) In Article 37(3) (alteration of agreements) omit the words from "and at least" to "for which the court acts".

(4) In Article 38(1) (alteration of agreements after death) omit the words from "and, accordingly" to the end.

(5) In Article 40(3) (orders for repayment of certain sums) omit the words from "and, accordingly" to the end.

(6) In Article 48 (the court)—

(a) in paragraph (1) for sub-paragraph (b) substitute—

"(b) a county court.";

(b) omit paragraphs (1A), (1B) and (2);

(c) in paragraph (3) omit "If an order is made under paragraph (1),";

(d) in paragraphs (3)(a) and (c) omit "divorce" (wherever occurring);

(e) in paragraph (4) omit "divorce" and "which is exercisable by county courts generally";

(f) in paragraph (5) omit "If an order is made under paragraph (1)," and "divorce" (wherever occurring);

(g) in paragraph (8) omit "divorce";

(h) in paragraph (9) omit "divorce".

The Protection of Children (Northern Ireland) Order 1978 (NI 17)

77.—(1) In Article 4(1) (entry, search and seizure) omit "in the petty sessions district for which he acts".

(2) In the Schedule (forfeiture proceedings) in paragraph 12 omit the words from "for the petty sessions district" to the end.

The Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979 (NI 8)

78.—(1) In Article 2(2) (interpretation) omit the definitions of "civil partnership proceedings county court" and "divorce county court".

(2) In Article 17(1) (restriction imposed on divorce proceedings) omit "divorce" in the second place where it occurs.

(3) In Article 17ZA (restriction imposed on civil partnership proceedings) omit "civil partnership proceedings".

The Administration of Estates (Northern Ireland) Order 1979 (NI 14)

79 In Article 12(1) (jurisdiction of county court) omit "for the division in which the deceased, at the time of his death, had a fixed place of abode".

The County Courts (Northern Ireland) Order 1980 (NI 3)

80.—(1) In Article 2(2) (interpretation)—

(a) for the definition of "chief clerk" substitute—

""chief clerk" means an officer of the Department designated as such by the Department;""

(b) in the definition of "court" omit "for a division";

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(c) after the definition of "defendant" insert—

""the Department" means the Department of Justice;";

(d) for the definition of "division" substitute—

""division" means an administrative court division specified under section 2 of the Justice Act (Northern Ireland) 2015 for any purposes of a county court;";.

(e) in the definition of "the Office" omit "for the division in which those proceedings are taken".

(2) In Article 3 (county courts)—

(a) in the heading omit "**to be held for divisions**";

(b) omit paragraph (1);

(c) for paragraphs (2) to (4) substitute—

"(2) A court shall be held at such place or places in each division as may be specified in directions given under Article 4.

(3) A court held under paragraph (2) shall—

(a) be called a county court and be a court of record; and

(b) have throughout Northern Ireland the jurisdiction and powers conferred on a county court by this Order or any other statutory provision.".

(3) In Article 4 (directions of Lord Chief Justice) omit paragraph (d).

(4) In Article 6 (holding of ordinary courts)—

(a) in paragraph (1)(a) for "for each division" substitute " in each division "; and

(b) omit paragraph (2).

(5) In Article 8 (adjournments) omit paragraphs (5) to (8).

(6) In Article 10 (general civil jurisdiction) omit paragraphs (3) and (3A).

(7) In Article 21(1) (transfer of certain money from High Court to county court) for "the county court of the division in which that person resides or such other" substitute " such ".

(8) In Article 25 (transfer from one county court to another) omit paragraph (2).

(9) In Article 34(2) (powers of county court) for the words from the beginning to "in his division" substitute " A judge shall have jurisdiction in any proceedings pending in a county court ".

(10) In Article 63 (cases stated)—

(a) in paragraph (1)(a) omit "having jurisdiction in the county court division in which the county court sat";

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(b) in paragraph (7) for "the resident magistrate or justice of the peace who fixed the amount of the recognisance or any other resident magistrate or justice of the peace having jurisdiction in the place where the recognisance was taken" substitute "a district judge (magistrates' courts) or lay magistrate" and omit " for the county court division in which the recognisance was taken ".

The Domestic Proceedings (Northern Ireland) Order 1980 (NI 15)

81.—(1) In Article 29 (case more suitable for High Court) omit the words "acting for the same petty sessions district as the first-mentioned court".

(2) In Article 30 (powers of High Court and county court)—

(a) in paragraph (1) omit "divorce";

(b) in paragraph (2) omit "(whether or not it is a divorce county court)";

(c) omit paragraph (3).

(3) In Article 32(1) (jurisdiction)—

(a) omit "and without prejudice to Article 77(3) of the Magistrates' Court (Northern Ireland) Order 1981";

(b) omit the words from "if at the date of the making of the order" to the end.

(4) In Article 34(1) (constitution of courts) omit "acting for the same petty sessions district as that court".

The Betting and Gaming Duties Act 1981 (c. 63)

82 In Schedule 1 (betting duties) in paragraph 15(5) omit "situated in the same petty sessions district as those premises".

The Road Traffic (Northern Ireland) Order 1981 (NI 1)

83.—(1) In Article 7(1) (review of test) omit "acting for the petty sessions district in which he resides".

(2) In Article 16(1) (driving licence appeals) omit "acting for the petty sessions district in which he resides".

(3) In Article 76(1) (vehicle licence appeals) omit "acting for the petty sessions district in which the holder of or applicant for the licence resides".

(4) In Article 79A(5) (taxi driver's licence appeals) omit "acting for the petty sessions district in which he resides".

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The Judgments Enforcement (Northern Ireland) Order 1981 (NI 6)

84.—(1) In Article 2(2) (interpretation) omit the definition of "appropriate county court".

(2) In Article 6(c) (judgments to which Order does not apply) omit "divorce" and "civil partnership proceedings".

(3) In Article 17(6) (limitation on enforcement) for the words from "means" to the end substitute "means—

(a) where the judgment was given by a county court, any county court,

(b) where the judgment was given by a court of summary jurisdiction, any court of summary jurisdiction,

(c) in any other case, the court by which the judgment was given.".

(4) In Articles 52(1) and (3) (order charging land) omit "appropriate".

(5) In Article 96A (maintenance orders) in paragraphs (1), (3)(a), (7) and (9) for "divorce county court or civil partnership proceedings county court" (wherever occurring) substitute " county court ".

(6) In Article 98(a)(ii) (attachment of earnings order) omit "divorce" and "civil partnership proceedings".

(7) In Article 107(1)(c) (committal for default) omit "divorce" and "civil partnership proceedings".

(8) In Article 110(c) (appeal from committal order) omit "appropriate".

The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8)

85.—(1) In Article 28 (free legal aid)—

(a) in paragraph (4)(a) omit "for the relevant petty sessions district";

(b) in paragraph (5) for "any court acting for the relevant petty sessions district" substitute " a court of summary jurisdiction ".

(2) In Article 30 (free legal aid on appeal)—

(a) in paragraph (1) omit "acting for the same petty sessions district" and "acting for that district";

(b) in paragraph (2)(b) omit "for the relevant petty sessions district".

(3) In Article 39 (interpretation) omit the definition of "relevant petty sessions district".

The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)

86.—(1) In Article 2(3) (definitions)—

(a) omit the definitions of "chief clerk" and "county court division";

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(b) after the definition of "decree" insert—

""the Department" means the Department of Justice;".

(2) For Article 2 (4) (references to officers of the court) substitute—

"(4) References in this Order—

(a) to chief clerks and to clerks of petty sessions are references to officers of the Department designated as such by the Department;

(b) to clerks of petty sessions include references to officers of the Department designated by the Department as assistant or deputy clerks of petty sessions.".

(3) Omit Article 4 (local jurisdiction of justices of the peace).

(4) For Article 11 and the Part heading immediately above it substitute

"PART 3

THE HOLDING OF PETTY SESSIONS

Petty sessions

11.—(1) Sessions for the holding of courts of summary jurisdiction shall continue to be known as petty sessions and are so referred to in this Order.

(2) The Lord Chief Justice may give directions as to—

(a) the places at which petty sessions are to be held;

(b) the days on which petty sessions are to be regularly held;

(c) the ordinary hours of sitting of courts of summary jurisdiction;

(d) such other incidental, consequential, transitional or supplementary matters as appear to the Lord Chief Justice to be necessary or proper.".

(5) For Article 16 substitute—

"General jurisdiction to deal with charges

16.—(1) A magistrates' court has jurisdiction—

(a) to conduct a preliminary inquiry or a preliminary investigation into any indictable offence;

(b) to hear and determine a complaint charging any summary offence.

(2) A district judge (magistrates' courts) exercising the powers conferred by Article 45 and 46 has jurisdiction to try summarily any indictable offence.

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(3) References above to offences are to offences, wherever committed, which are cognisable under the law of Northern Ireland.".

(6) Omit Article 17 (offences committed on boundaries, etc.).

(7) In Article 18(4)(b) (summary trial) omit the words "sitting for the petty sessions district for which the resident magistrate or lay magistrate acted".

(8) For Article 20 substitute—

"Issue of summons to accused or warrant for his arrest

20.—(1) On a complaint being made to a lay magistrate that a person has, or is suspected of having, committed a summary offence, the lay magistrate may issue a summons directed to that person requiring him to appear before a magistrates' court to answer to the complaint.

(2) On a complaint being made to a lay magistrate that a person has, or is suspected of having, committed an indictable offence, the lay magistrate may either—

(a) issue a summons requiring him to appear before a magistrates' court; or

(b) issue a warrant to arrest that person and bring him before a magistrates' court

(3) Where the offence charged in the complaint is an indictable offence, a warrant under this Article may be issued by a lay magistrate at any time notwithstanding that a summons has previously been issued and whether before or after the time mentioned in such summons for the appearance of the person summoned.

(4) Where a lay magistrate is satisfied that a summons issued under paragraph (1) has not been served, the lay magistrate may, without a complaint being made to him, re-issue the summons extending the time for the appearance of the person summoned.

(5) Where a district judge (magistrates' courts) is satisfied that a person suspected of having committed a summary offence cannot for any reason be served with a summons, the district judge (magistrates' courts) may issue a warrant for the arrest of that person notwithstanding that a summons has not been first issued.

(6) A warrant may be issued in respect of any offence notwithstanding that the offence was committed outside Northern Ireland if an indictment for the offence may legally be preferred in Northern Ireland.

(7) A warrant shall not be issued under this Article unless the complaint is in writing and substantiated on oath.".

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(9) In Article 32(1)(a) (documents) omit "for the district in which the preliminary inquiry is to be held".

(10) Omit Article 36 (adjournment of committal proceedings).

(11) In Article 47 (remands)—

(a) in paragraph (1)(a) omit "for the county court division for which the court is acting or before any other magistrates' court having jurisdiction to conduct the proceedings";

(b) in paragraph (4E)(a) for the words from "the magistrates' court which" to the end substitute "a magistrates' court";

(c) in paragraph (4F) for the words from "the magistrates' court which" to the end substitute "a magistrates' court".

(12) In Article 52 (sentencing of person convicted by another court) omit the words from "acting for the same petty sessions district" to the end.

(13) In Article 72 (issue of process) in paragraphs (1) and (2) omit the words from "acting for the petty sessions district" to the end.

(14) In Article 75 (transfer to county court) omit paragraph (3).

(15) In Article 77 (jurisdiction on civil complaint) omit paragraph (3).

(16) In Article 79 (issue of summons) omit "for a county court division" and "sitting for that county court division".

(17) In Article 85(4) (orders for periodic payment) omit the words from "of the petty sessions district" to the end.

(18) In Article 85A (proceedings by collection officer)—

(a) in paragraphs (1), (2) and (3) omit "of the relevant court";

(b) in paragraph (4)(a) omit "of a relevant court";

(c) in paragraph (7) omit the definition of "the relevant court".

(19) In Article 85B (breach of maintenance order)—

(a) in paragraph (1) omit "for the county court division which includes the petty sessions district for which the relevant court is acting";

(b) in paragraph (2) for "the relevant court" (twice) substitute " a court of summary jurisdiction ";

(c) in paragraph (3) for "relevant court" substitute " court of summary jurisdiction ";

(d) in paragraph (5) omit the definition of "the relevant court".

(20) In Article 96(1) (transfer of fines) omit "in a petty sessions district" and "acting for that district".

(21) In Article 98 (enforcement: periodical payments)—

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(a) in paragraph (1)(a) omit "acting for the same petty sessions district as the court which made the order";

(b) in paragraph (1)(b) omit the words from "acting for the same petty sessions district" to the end.

(22) In Article 99 (enforcement: other payments)—

(a) in paragraph (1)(a) omit "acting for the same petty sessions district as the court which made the order";

(b) in paragraph (1)(b) omit the words from "acting for the same petty sessions district" to the end.

(23) In Article 112 (enforcement: other orders)—

(a) in paragraph (3)(a) omit "acting for the same petty sessions district as the court which made the order";

(b) in paragraph (3)(b) omit the words from "acting for the same petty sessions district" to the end;

(c) omit paragraph (7).

(24) In Article 113(7) (review of commitment) omit the words from "sitting for" to the end.

(25) In Article 127(3) (power to bind over) omit the words from "where the person" to the end.

(26) In Article 128(1) (discharge of recognizances) omit the words from "having jurisdiction either¾" to the end of sub-paragraph (b).

(27) In Article 144 (procedure on appeal)—

(a) in paragraph (2A) omit "having jurisdiction in the county court division in which the magistrates' court sat";

(b) in paragraph (3) omit "having jurisdiction in the county court division in which the magistrates' court sat".

(28) In Article 148(1) (bail on appeal) omit "having jurisdiction in the petty sessions district for which the court acted".

(29) In Article 149(1) (recognizance to prosecute appeal) omit "having jurisdiction in the petty sessions district for which that court acted".

(30) In Article 151(1) (estreat of recognizance) omit the words from "acting for the same petty sessions district" to "case was stated".

The Civil Jurisdiction and Judgments Act 1982 (c. 27)

87.—(1) Omit section 15(3) (interpretation).

(2) In section 36(4)(b) (registration of maintenance orders), in the substituted section 13(5A)(a), omit the words from " and as if " to the end.

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The Criminal Justice Act 1982 (c. 48)

88 In Schedule 13 (community service orders - reciprocal arrangements)—

(a) in paragraph 7(2)(a) omit "acting for a petty sessions district in Northern Ireland for the time being specified in it";

(b) in paragraph 8(2)(a) omit "acting for a petty sessions district in Northern Ireland for the time being specified in it".

The Probation Board (Northern Ireland) Order 1982 (NI 10)

89 In Article 5(1) (appointment of probation officers)—

(a) in sub-paragraph (a) omit "and assign one or more to each petty sessions district or districts";

(b) in sub-paragraph (b) omit "in any petty sessions district".

The Video Recordings Act 1984 (c. 39)

90 Omit section 16D (extension of jurisdiction of magistrates' courts in Northern Ireland).

The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (NI 11)

91.—(1) In Article 15(10) (form and duration of licence) for the words from "upon" to "situated" substitute "upon—

(a) the clerk of petty sessions; and

(b) the district commander of the police district in which the bookmaker's licence was granted, or as the case may be, the licensed office is situated;".

(2) In Article 26 (temporary continuance of business) omit paragraph (3).

(3) In Article 66(9) (form and duration of new bingo club licence) for the words from "upon" to "situated" substitute "upon—

(a) the clerk of petty sessions; and

(b) the district commander of the police district in which the bingo club premises are situated;".

(4) In Article 86(9) (form and duration of new gaming machine certificates) for the words from "upon" to "situated" substitute "upon—

(a) the clerk of petty sessions; and

(b) the district commander of the police district in which the premises in which the business is carried on are situated;".

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(5) In Article 143(7) (form and duration of new lottery certificates) for the words from "upon" to "situated" substitute "upon—

(a) the clerk of petty sessions; and

(b) the district commander of the police district in which the premises in which the business is carried on are situated;".

(6) In Article 173 (notification of change of directors) for the words from "upon" to "situated" substitute "upon—

(a) the clerk of petty sessions; and

(b) the district commander of the police district in which the licence, certificate or permit was granted or, in the case of a bookmaking office licence, in which the licensed office is situated.".

(7) In Article 174 (register of licences, certificates, etc.)—

(a) in paragraph (1) for "Each clerk of petty sessions shall keep" substitute " The Department of Justice shall cause to be kept (whether by clerks of petty sessions or otherwise) " and for the words from "granted" to the end substitute " granted by a county court or a court of summary jurisdiction ";

(b) in paragraph (2) for the words from the beginning to "record" substitute " There shall be recorded ";

(c) in paragraph (3) for the words from the beginning to "keep" substitute " The Department of Justice shall also cause to be kept " and in sub-paragraph (a) omit "by him";

(d) omit paragraph (4).

(8) In Article 175 (register of clubs)—

(a) in paragraph (1) for the words from the beginning to "petty sessions district" substitute " The Department of Justice shall cause to be kept (whether by clerks of petty sessions or otherwise) a register of clubs ";

(b) in paragraph (2) for the words from the beginning to "record" substitute " There shall be recorded ".

(c) omit paragraph (3).

(9) In Article 177 (returns to the Department)—

(a) for the words from the beginning to "a statement" substitute " The Department of Justice shall, in respect of each such period as the Department may specify, arrange for a statement to be sent to the Department ";

(b) in paragraph (a) for the words from "granted" to the end substitute " granted by a county court or court of summary jurisdiction ";

(c) in paragraph (b) omit "having premises within that district".

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(10) In Article 178(1) (registers as evidence) omit "kept by him".

(11) In Article 179(2) (proof of licence) omit the words from "for the petty sessions district in which" to "club is registered".

(12) In Schedule 1 (applications for grant of bookmakers' licence) omit paragraph 1.

(13) In Schedule 3 (applications for renewal of bookmakers' licence)—

(a) in paragraph 1 for the words from the beginning to "petty sessions district" substitute " The Department of Justice " and for "in the district" substitute " throughout Northern Ireland ";

(b) in paragraph 2(1) omit "for the petty sessions district".

(14) In Schedule 4 (applications for renewal of bookmaking office licence) in paragraph 1 for the words from the beginning to "petty sessions district" substitute " The Department of Justice " and for "in the district" substitute " throughout Northern Ireland ".

(15) In Schedule 10 (applications for renewal of bingo club licence) in paragraph 1 for the words from the beginning to "petty sessions district" substitute " The Department of Justice " and for "in that district" substitute " throughout Northern Ireland ".

(16) In Schedule 12 (applications for renewal of gaming machine licence) in paragraph 1 for the words from the beginning to "petty sessions district" substitute " The Department of Justice " and for "in the district" substitute " throughout Northern Ireland ".

(17) In Schedule 17 (applications for renewal of lottery licence) in paragraph 1 for the words from the beginning to "petty sessions district" substitute " The Department of Justice " and for "in the district" substitute " throughout Northern Ireland ".

The Credit Unions (Northern Ireland) Order 1985 (NI 12)

92 In Article 70(6)(a) (dissolution of credit union) omit "for the division in which the registered office of the credit union is situated".

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (NI 15)

93.—(1) In Schedule 1 (licensing of places of entertainment), in paragraph 13(1) omit "for the county court division in which the place is situated".

(2) In Schedule 2 (licensing of sex establishments)—

(a) in paragraph 26(1) omit "for the relevant county court division";

(b) in paragraph 26(4) omit the definition of "the relevant county court division".

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The Mental Health (Northern Ireland) Order 1986 (NI 4)

94.—(1) Schedule 2A (supervision and treatment orders) is amended as follows.

(2) In paragraph 3(1) for head (b) substitute—

"(b) require him to be under the supervision of a probation officer.".

(3) Omit paragraph 3(4).

(4) In paragraph 7 for sub-paragraph (1) substitute—

"(1) This paragraph applies where—

(a) a supervision and treatment order is in force in respect of any person;

(b) that order requires the supervised person to be under the supervision of a social worker of an authorised HSC trust; and

(c) a court of summary jurisdiction is satisfied that the supervised person proposes to change, or has changed, his residence to the area of another authorised HSC trust.".

(5) In paragraph 7(2) for the words from "or as the case may be" to the end substitute " for the area specified in the order ".

(6) In paragraph 7(3) omit "or, as the case may be, district" and "or district".

(7) In paragraph 8(1) omit "for the petty sessions district concerned".

(8) In paragraph 9(1) omit "for the petty sessions district concerned".

(9) In paragraph 11 for sub-paragraph (1) substitute—

"(1) On the making under paragraph 7 or 8 of an order amending a supervision and treatment order, the clerk of petty sessions shall forthwith give copies of the amending order to the supervising officer.".

The Adoption (Northern Ireland) Order 1987 (NI 22)

95.—(1) In Article 2(2) (interpretation) in the definition of "authorised court"—

(a) in paragraph (b)(ii) omit "within whose division the applicant lives";

(b) in paragraph (c) for sub-paragraphs (ii) and (iii) substitute—

"(ii) the county court;".

(2) In Article 52(1) (amendment of orders) for "a county court held for the same division" substitute " any other county court ".

(3) In Article 55(3) (revocation of adoptions on legitimation) for "a court held for the same division" substitute " any other county court ".

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The Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (NI 4)

96 In Article 40(1) (the court) omit sub-paragraph (a).

The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)

97.—(1) In Article 18(10A)(a) (execution of warrants) omit "for the petty sessions district in which the magistrate was acting when he issued the warrant".

(2) In Article 47 (detention after charge) for paragraphs (2) to (4) substitute—

"(2) He shall be brought before a magistrates' court as soon as is practicable and in any event not later than the day next following the day on which he is charged.

(3) Where the day next following the day on which he is charged with the offence is Christmas Day, Good Friday or a Sunday, he shall be brought before a magistrates' court not later than the next following day which is not one of those days.".

The Human Fertilisation and Embryology Act 1990 (c. 37)

98 In section 30(8)(c) (parental orders in favour of gamete donors) for "any county court within whose jurisdiction the child is" substitute " a county court ".

The Criminal Justice Act 1991 (c. 53)

99 In Schedule 3 (reciprocal enforcement of certain orders) in paragraph 10(2)(a) omit "acting for the petty sessions district in Northern Ireland for the time being specified in the order".

The Road Traffic (Amendment) (Northern Ireland) Order 1991 (NI 3)

100 In Schedule 2 (existing licences) in paragraph 6(1) omit "acting for the petty sessions district in which the holder of the licence resides".

The Friendly Societies Act 1992 (c. 40)

101 Omit section 110 (jurisdiction of magistrates' courts in Northern Ireland)

The Tourism (Northern Ireland) Order 1992 (NI 3)

102 In Article 19(1) (appeals) omit "for the county court division in which that establishment is situated".

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The Family Law (Northern Ireland) Order 1993 (NI 6)

103 In Article 12(3)(g) (family proceedings rules) for "divorce county court or civil partnership proceedings county court" substitute " county court ".

The Disability Discrimination Act 1995 (c.50)

104.—(1) In section 38 (appeal against refusal of exemption certificate)—

(a) in subsection (1) for "the appropriate court" substitute " a court of summary jurisdiction ";

(b) omit subsection (3).

(2) In Schedule 8 (modifications for Northern Ireland) omit paragraph 22(3).

The Children (Northern Ireland) Order 1995 (NI 2)

105.—(1) In Article 166 (appeals)—

(a) in paragraph (2)(b) omit "a divorce county court";

(b) in paragraph (2)(c) omit "a civil partnership proceedings county court";

(c) in paragraph (4) omit sub-paragraph (a), the word "such" in sub-paragraph (b) and the words after sub-paragraph (b).

(2) In Schedule 1 (financial provision for children) in paragraph 12(6) omit the words from "and at least one of the parties" to "for which the court sits".

(3) In Schedule 7 (jurisdiction) omit—

(a) paragraph 1(1)(c);

(b) paragraph 4(4) and (7).

The Road Traffic (Northern Ireland) Order 1995 (NI 18)

106 In Schedule 1 (supplementary provisions relating to proceedings)—

(a) in paragraph 1(1) omit "for the county court division in which the proceedings are brought";

(b) omit paragraph 4(3).

The Criminal Procedure and Investigations Act 1996 (c. 25)

107 Omit section 76 and paragraph 33 of Schedule 4 (powers of magistrates' court).

The Juries (Northern Ireland) Order 1996 (NI 6)

108.—(1) In Article 2(2) (interpretation)—

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(a) for the definition of "division" substitute—

""division" means an administrative court division specified under section 2(2)(a) of the Justice Act (Northern Ireland) Act 2015 for all purposes of a county court or, if different administrative court divisions are specified for different purposes of a county court, an administrative court division specified under section 2(2)(c) of that Act for the residual purposes of the court;";

(b) for the definition of "Juries Officer" substitute—

""Juries Officer", in relation to a division, means such officer of the Department as may be designated by the Department in relation to that division;".

(2) In Article 4 (preparation of Jurors List)—

(a) in paragraph (8) omit "whether by reference to the area of jurisdiction of any court or courts or otherwise";

(b) in paragraph (10) omit "whether by reference to the area of jurisdiction of any court or courts or otherwise".

(3) In Article 5 (selection of names) in paragraph (5) for sub-paragraph (a) substitute—

"(a) a division in which the relevant magistrates' court sat;".

The Road Traffic (Offenders) (Northern Ireland) Order 1996 (NI 10)

109.—(1) In Article 2(2) omit the definition of "petty sessions district".

(2) In Article 36 (reduced disqualification) omit paragraph (6).

(3) In Article 38(2) (interpretation) in the definition of "supervising court" omit the words from "acting for" to the end.

(4) In Article 65(3) (notification of trial) omit the words from "of the county court division" to "is situated".

(5) In Article 75(3) (registration certificates) omit the words from "for such petty sessions district" to the end.

The Licensing (Northern Ireland) Order 1996 (NI 22)

110.—(1) In Article 2(2) (interpretation) in the definition of "licensed premises" for "by the clerk of petty sessions" substitute " under Article 34(2) ".

(2) In Article 5(4) (premises for which licence may be granted) omit "by the clerk of petty sessions for the petty sessions district in which the premises are situated".

(3) In Article 28(3) (temporary continuance) for the words from "upon" to "situated" substitute "upon—

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(a) the clerk of petty sessions; and

(b) the district commander of the police district in which the premises are situated;".

(4) In Article 29(3) (temporary continuance) omit the words from "for the petty sessions district" to the end.

(5) In Article 30(1) (occasional licences) omit the words from "sitting in the county court division" to "includes that place".

(6) In Article 31(1)(d)(ii) (consent for alterations) omit "for the petty sessions district in which the premises are situated".

(7) In Article 34 (register of licences) in paragraph (1) for the words before sub-paragraph (a) substitute—

"(1) The Department of Justice shall cause to be kept (whether by clerks of petty sessions or otherwise) a register, in such form as may be prescribed, of licences granted under this Order; and there shall be recorded in the register in respect of each licence—".

(8) In Article 34(1) omit sub-paragraph (i).

(9) In Article 34(2) for the words from the beginning to "received by him under paragraph (3)" substitute " The Department of Justice shall also arrange for the keeping of the plans received under ".

(10) Omit Article 34(3).

(11) In Article 34(4) for "A clerk of petty sessions may make such alterations" substitute " The Department may cause such alterations to be made ".

(12) For Article 36 substitute—

"Information for Department

36 The Department of Justice shall, in respect of each such period as the Department may specify, arrange for a statement to be sent to the Department showing the number of premises of each of the kinds mentioned in Article 5 having a current licence and containing such other information as the Department may require".

(13) In Article 37(1) (register as evidence) omit "kept by him".

(14) In Article 38(2) (proof of licence) for "the clerk of petty sessions for the petty sessions district in which the premises for which a licence was granted are situated" substitute " a clerk of petty sessions ".

(15) In Article 69A(1) (closure orders) for "petty sessions district, a court of summary jurisdiction acting for the district" substitute " place, a court of summary jurisdiction ".

(16) In Articles 69C(1)(a), 69D(1)(b), 69E and 69F(1), (2), (3) and (4) omit "relevant".

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(17) In Article 69J(4) (interpretation) omit the definition of "relevant court of summary jurisdiction".

(18) In Article 75 (suspension procedure) in paragraph (3) for sub-paragraphs (a) and (b) substitute " retain the licence ".

(19) In Schedule 3 (approval of sites), omit paragraph 4(3).

(20) In Schedule 4 (applications for renewal of licence)—

(a) in paragraph 2 for "clerk of petty sessions for each petty sessions district" substitute " Department of Justice " and for "in that district" substitute " throughout Northern Ireland ";

(b) in paragraph 3 omit "for the petty sessions district in which the premises are situated".

The Registration of Clubs (Northern Ireland) Order 1996 (NI 23)

111.—(1) In Article 12 (temporary continuance) omit paragraph (3).

(2) In Article 16 (register of clubs)—

(a) in paragraph (1) for the words from the beginning to "petty sessions district" substitute " The Department of Justice shall cause to be kept (whether by clerks of petty sessions or otherwise) a register of clubs ";

(b) in paragraph (2) for "Each clerk of petty sessions shall record" substitute " There shall be recorded ";

(c) omit paragraphs (3) and (4);

(d) in paragraph (5) for "A clerk of petty sessions may make such alterations" substitute " The Department may cause such alterations to be made ".

(3) In Article 18 (returns to Department) for the words from the beginning to the end of paragraph (a) substitute—

"The Department of Justice shall, in respect of each such period as the Department may specify, arrange for a statement to be sent to the Department showing—

(a) the number of clubs having a current certificate of registration;".

(4) In Article 19(1) (register as evidence) omit "kept by him".

(5) In Article 20(2) (proof of licence) for "the clerk of petty sessions for the petty sessions district in which the club is registered" substitute " a clerk of petty sessions ".

(6) In Article 41(1)(a) (notification of alterations) omit "for the petty sessions district in which the premises of the registered club are situated".

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(7) In Article 41A(1) (closure orders) for "petty sessions district, a court of summary jurisdiction acting for the district" substitute " place, a court of summary jurisdiction ".

(8) In Articles 41C(1)(a), 41D(1)(b), 41E and 41F(1), (2), (3) and (4) omit "relevant".

(9) In Article 41J(3) (interpretation) omit the definition of "relevant court of summary jurisdiction".

(10) In Article 49(2) (procedure in connection with cancellation and disqualification) for sub-paragraphs (a) and (b) substitute " retain the certificate of registration ".

(11) In Schedule 3 (renewal of registration)—

(a) in paragraph 2 for "clerk of petty sessions for each petty sessions district" substitute " Department of Justice " and for "in that district" substitute " throughout Northern Ireland ";

(b) in paragraph 3(b) omit "for the petty sessions district in which the premises of the club are situated".

The Criminal Justice (Northern Ireland) Order 1996 (NI 24)

112.—(1) In Article 10 (probation orders) omit paragraphs (2) and (5).

(2) In Article 13 (community service orders)—

(a) in paragraph (6) omit the words from the beginning to "will reside; and";

(b) in paragraph (8) omit the words from "and the court shall" to the end.

(3) In Article 26(2) (release on licence of sexual offenders) for the words "appointed for or assigned to the petty sessions district within which the offender resides" substitute " assigned by the Probation Board ".

(4) In Article 27 (breach of licence conditions)—

(a) in paragraph (2) omit "acting for the petty sessions district in which he resides";

(b) in paragraph (9)(b) omit "acting for the petty sessions district in which the offender resides";

(c) omit paragraphs (10) and (11).

(5) In Schedule 2 (enforcement of certain community orders)—

(a) in paragraph 1(1) omit the definition of "the petty sessions district concerned";

(b) in paragraph 2(2)(b)(ii) omit "acting for the petty sessions district concerned";

(c) in paragraph 2(3) omit "having jurisdiction in the place where he is arrested";

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(d) in paragraph 7(1) omit "acting for the petty sessions district concerned";

(e) in paragraph 9(1)(a)(i) omit "other than a court acting for the petty sessions district concerned";

(f) omit paragraph 12;

(g) in paragraph 13(1) for the words from the beginning to "petty sessions district concerned" substitute " A court of summary jurisdiction ";

(h) in paragraph 14(1) omit "for the petty sessions district concerned";

(i) in paragraph 15(b) omit "acting for the petty sessions district concerned";

(j) in paragraph 17(2) omit the words from "or substituting a new petty sessions district" to the end;

(k) in paragraph 18(1) for the words from "forthwith" to the end substitute " forthwith give copies of the amending order to the responsible officer ".

The Race Relations (Northern Ireland) Order 1997 (NI 6)

113 In Article 54(8) (claims) omit "outside its division".

The Family Homes and Domestic Violence (Northern Ireland) Order 1998 (NI 6)

114.—(1) In Article 34 (jurisdiction) omit—

(a) paragraph (3)(c); and

(b) paragraph (9).

(2) In Article 39 (appeals)—

(a) in paragraph (2)(b) omit "a divorce county court";

(b) in paragraph (2)(c) omit "a civil partnership proceedings county court";

(c) in paragraph (4) omit sub-paragraph (a), the word "such" in sub-paragraph (b) and the words from "and except" to the end;

(d) in paragraph (6) omit "a divorce county court" and "a civil partnership proceedings county court".

The Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9)

115.—(1) In Article 11(1)(a) (notice of charge against child) omit "assigned to the petty sessions district in which the court will sit".

(2) In Article 31 (remand to obtain information)—

(a) in paragraph (1) omit "acting for the same petty sessions district";

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(b) in paragraph (3) omit the words from "acting for the same petty sessions district" to "county court division".

(3) In Article 36B (restrictions on reparation orders) omit paragraph (3).

(4) In Article 36ZC (parental compensation orders)—

(a) in paragraph (4) omit "which has made a parental compensation order";

(b) omit paragraph (7).

(5) In Article 36D (reparation orders)—

(a) omit paragraph (1);

(b) omit paragraph (3);

(c) omit paragraph (5).

(6) In Article 36F (restrictions on community responsibility orders) omit paragraph (3).

(7) In Article 36I (supplementary provisions on community responsibility orders)—

(a) omit paragraph (1);

(b) omit paragraph (2);

(c) omit paragraph (4).

(8) In Article 36K (youth conference orders)—

(a) omit paragraph (5);

(b) omit paragraph (7).

(9) In Article 38(2)(i) (attendance centre orders) omit "for the petty sessions district in which that child resides or in which the attendance centre specified in the order is situated".

(10) In Schedule 1A (breach, revocation and amendment of certain orders)—

(a) in paragraph 1(2) omit the words from "acting for the petty sessions district" to the end;

(b) omit paragraph 5(6)(c);

(c) omit paragraph 7(3);

(d) omit paragraph 8(8)(d).

The Criminal Justice (Northern Ireland) Order 1998 (NI 20)

116.—(1) In Article 9 (drug treatment orders) omit—

(a) paragraph (6);

(b) paragraph (9)(b) and the word "or" immediately before it;

(c) paragraph (10).

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(2) In Article 10(9)(b) (periodic review of orders) for the words from "resident magistrate" to the end substitute "district judge (magistrates' courts)".

The Fair Employment and Treatment (Northern Ireland) Order 1998 (NI 21)

117 In Article 40(8) (claims) omit "outside its division".

The Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2)

118 In Schedule 4 (recovery of contributions), omit paragraph 3(3).

The Justice (Northern Ireland) Act 2002 (c. 26)

119.—(1) Omit section 9 (lay magistrates).

(2) In section 90(1A) (subordinate legislation) omit ", 9(4)".

(3) In Schedule 4 (amendments) omit paragraph 17.

The Company Directors Disqualification (Northern Ireland) Order 2002 (NI 4)

120.—(1) In Article 5(2)(c) (disqualification on conviction) omit "acting for the same petty sessions district".

(2) In Article 8(2) (disqualification on summary conviction) omit "acting for the same petty sessions district".

The Finance Act 2003 (c. 14)

121 In Schedule 12 (stamp duty land tax)—

(a) in paragraph 5(3)(a) omit "for a division";

(b) in paragraph 5(3)(d) for "sections 21 and 42(2)" substitute " section 21 " and for "apply" substitute " applies ".

The Crime (International Co-operation) Act 2003 (c. 32)

122 In section 59(2)(c) (appeal against disqualification) omit "acting for the petty sessions district in which the applicant resides".

The Sexual Offences Act 2003 (c. 42)

123.—(1) In section 60B(5) (detention of vehicle, ship or aircraft) for paragraph (b)(i) and (ii) substitute—

"(i) if the arrested person has not been charged, or he has been charged but proceedings for the offence have not begun to be heard, a magistrates' court;".

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(2) In section 125 (variation, renewal and discharge of orders)—

(a) in subsection (1) for "the appropriate court" substitute " a court of summary jurisdiction "; and

(b) omit subsection (7).

(3) In section 136 (Northern Ireland)—

(a) in subsection (5) omit "subject to subsection (6)" and after "magistrates' court" insert " or to a magistrates court for a particular area "

(b) omit subsections (6) and (7).

The Civil Partnership Act 2004 (c. 33)

124.—(1) In section 188 (the court)—

(a) in subsection (1) for paragraph (b) substitute—

"(b) a county court.";

(b) omit subsections (4) to (6) and (9);

(c) in subsection (7) for "civil partnership proceedings county court" substitute " county court ";

(d) in subsection (8) omit "civil partnership proceedings" and "which is exercisable by county courts generally".

(2) In section 189 (appeals) in subsection (1)(a) and (b) omit "civil partnership proceedings".

(3) In section 190(2) (rules of court) for "civil partnership proceedings county court" (wherever occurring) substitute " county court ".

(4) In Schedule 15 (financial relief in High Court or county court) in paragraph 63(1) omit head (b) and the word "and" immediately before it.

(5) In Schedule 16 (financial relief in court of summary jurisdiction) in paragraph 8(3) omit the words from "acting for the same petty sessions district" to the end.

(6) In Schedule 29 omit paragraphs 50 and 94(4).

The Criminal Justice (Northern Ireland) Order 2004 (NI 9)

125 In Article 10 (live links) omit—

(a) paragraph (4)(b) and (c);

(b) paragraph (5).

The Criminal Justice (Evidence) (Northern Ireland) Order 2004 (NI 10)

126 In Article 40 (video evidence) omit paragraph (4).

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The Anti-Social Behaviour (Northern Ireland) Order 2004 (NI 15)

127.—(1) In Article 3(2) (applications for order) omit "for the county court division in which it is alleged that the harassment, alarm or distress was caused or was likely to be caused".

(2) In Article 6B(14)(a) (variation or discharge of orders) omit "acting for the same county court division as that court".

The Lay Magistrates (Eligibility) Order (Northern Ireland) 2004 (SR 2004/246)

128 In Article 2(a) for "county" substitute " administrative ".

The Serious Organised Crime and Police Act 2005 (c. 15)

129 In section 80(4) (financial reporting orders)—

(a) omit "(or in Northern Ireland for the same county court division)";

(b) at the end add "or in Northern Ireland to any magistrates' court.".

The Safety of Sports Grounds (Northern Ireland) Order 2006 (NI 2)

130 In Article 2(2) (interpretation) for the definition of "the court" substitute—

""the court" means a court of summary jurisdiction;".

The Forced Marriage (Civil Protection) Act 2007 (c. 20)

131 In Schedule 1 (Northern Ireland) in paragraph 11 omit "a divorce county court".

The Road Traffic (Northern Ireland) Order 2007 (NI 10)

132.—(1) In Article 10(3), in the inserted Article 32B(5) of the Offenders Order omit "or (if the supervising court is not the Crown Court or the relevant local court) to either the supervising court or the relevant local court".

(2) In Article 10(3), in the inserted Article 32B(7) of the Offenders Order omit "or (if the supervising court is not the Crown Court or the relevant local court) to either the supervising court or the relevant local court".

(3) In Article 10(3), in the inserted Article 32E(3) of the Offenders Order—

(a) in the definition of "proper officer" omit "for the petty sessions district for which the court acts";

(b) omit the definition of "relevant local court";

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(c) in the definition of "supervising court" omit "acting in the same petty sessions district as the court which made the order".

(4) In Article 11(1), in the substituted Article 37(6) of the Offenders Order, omit " or (if the supervising court is not the Crown Court or the relevant local court) to either the supervising court or the relevant local court ".

(5) In Article 11(1), in the substituted Article 37(8) of the Offenders Order, omit " or (if the supervising court is not the Crown Court or the relevant local court) to either the supervising court or the relevant local court ".

(6) In Article 11(1), in the substituted Article 38(3) of the Offenders Order—

(a) in the definition of "proper officer" omit "for the petty sessions district for which the court acts";

(b) omit the definition of "relevant local court";

(c) in the definition of "supervising court" omit "acting in the same petty sessions district as the court which made the order".

(7) In Article 45, in the inserted Article 8A(3)(e) of the Order of 1981, omit "acting for the petty sessions district in which the person resides".

(8) In Article 60(12) (appeals) omit "acting for the petty sessions district in which the person resides".

(9) In Article 64(5)(b) (training) omit "acting for the petty sessions district in which the person resides".

The Criminal Justice and Immigration Act 2008 (c. 4)

133.—(1) In section 82 (requests to other member states) in subsection (4)(b)(v) omit "in a petty sessions district".

(2) In section 87 (requests from other member states)—

(a) omit subsection (2);

(b) in subsection (3) omit "Otherwise" and the words from "for such petty sessions district" to the end;

(c) in subsection (4) omit "(2) or";

(d) omit subsection (5).

(3) In section 88 (procedure on receipt of certificate)—

(a) in subsection (1) omit "for a petty sessions district";

(b) in subsection (2) omit "acting for the petty sessions district".

The Human Fertilisation and Embryology Act 2008 (c. 22)

134 In section 54(9)(c) (parental orders) omit "within whose division the child is".

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The Counter-Terrorism Act 2008 (c. 28)

135 In Schedule 5 (foreign travel restriction orders) in paragraph 10(2) omit "for the petty sessions district which includes the area where the person subject to the order resides".

The Criminal Justice (Northern Ireland) Order 2008 (NI 1)

136.—(1) In Article 60(1), in the inserted Article 38B(5) of the Offenders Order, omit "or (if the supervising court is not the Crown Court or the relevant local court) to either the supervising court or the relevant local court".

(2) In Article 60(1), in the inserted Article 38E(3) of the Offenders Order—

(a) in the definition of "proper officer" omit "for the petty sessions district for which the court acts";

(b) omit the definition of "relevant local court";

(c) in the definition of "supervising court" omit "acting for the same petty sessions district as the court which made the order".

(3) In Article 61 (experimental period)—

(a) in paragraph (4)(b) omit "acting for a petty sessions district";

(b) in paragraph (6) for "petty sessions district" substitute "magistrates' court";

(c) in paragraph (7) for "a district" substitute " a court " and for "districts" substitute " courts ".

(4) Omit Article 92 (jurisdiction of magistrates' court in relation to proving execution of arrest warrant).

(5) In Schedule 3 (supervised activity orders)—

(a) in paragraph 1 for "petty sessions district" substitute " locality ";

(b) omit paragraph 2(1);

(c) omit paragraph 3(4);

(d) in paragraph 5(2) omit "having jurisdiction in the place where the offender is arrested";

(e) omit paragraph 6(2);

(f) in paragraph 6(4) for heads (a) and (b) substitute " give a copy of the amending order to the supervising officer ";

(g) omit paragraph 6(5);

(h) in paragraph 8(1)(b) omit the words from "having jurisdiction" to the end.

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The Marine and Coastal Access Act 2009 (c. 23)

137 In Schedule 17 (warrants) in paragraph 10(2)(b) omit "for the petty sessions district in which the dwelling is situated".

The Coroners and Justice Act 2009 (c. 25)

138.—(1) In section 77(6) (anonymity in investigations) omit "for the petty sessions district in which the application for an investigation anonymity order is made".

(2) In section 79(6)(b) (appeal against refusal of investigation anonymity order) omit "of the county court division in which the appeal is made".

The Terrorism Prevention and Investigation Measures Act 2011 (c. 23)

139 In Schedule 5 (powers of entry) in paragraph 9(16)(b) for the words from "for the petty sessions district" to the end substitute " of petty sessions ".

The Caravans Act (Northern Ireland) 2011 (c. 12)

140.—(1) In section 6(1) (jurisdiction) omit "for the county court division in which the protected site is situated".

(2) In section 10(1) (jurisdiction) omit "for the county court division in which the caravan site is situated".

The Welfare of Animals Act (Northern Ireland) 2011 (c. 16)

141 In Schedule 3 (powers or entry) in paragraph 3(9) omit the words from "for the petty sessions district" to the end.

The Justice Act (Northern Ireland) 2011 (c. 24)

142.—(1) In section 46(3) (banning orders: additional requirements) omit "acting for the same county court division as that court".

(2) In section 47(6) (termination of banning orders) omit "acting for the same county court division as that court".

(3) Omit section 54 (breach of licence conditions by sex offenders).

(4) In section 91 (bail: compassionate grounds)—

(a) in subsection (1) for "the appropriate court" substitute "any magistrates' court";

(b) in subsection (2) for "appropriate court" substitute "magistrates' court";

(c) omit subsection (4).

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The Justice Act (Northern Ireland) 2015 (c.)

143 In section 93 (Public Prosecutor's summons)—

(a) in subsection (1) omit "for any county court division" and "in respect of which a magistrates' court for that county court division has jurisdiction to hear a charge" and for "that court" substitute "a magistrates' court";

(b) omit subsection (2);

(c) in subsection (3) omit "for any county court division" and the words from "into which" to "preliminary inquiry" and for "before that" substitute " before a ".

The Serious Crime Act 2015 (c. 9)

144 In Schedule 2 in paragraph 11(2)(c) omit "for the petty sessions district in which the lay magistrate was acting when he or she issued the warrant".

PROSPECTIVE

SCHEDULE 2 Section 16

AMENDMENTS: DIRECT COMMITTAL FOR TRIAL

The Grand Jury (Abolition) Act (Northern Ireland) 1969 (c. 15)

1.—(1) Section 2 (procedures for indictment of offenders) is amended as follows.

(2) After subsection (3) insert—

"(3A) Subsection (3) does not apply in a case where the indictment is presented against a person who was committed for trial under Chapter2 of Part 2 of the Justice Act (Northern Ireland) 2015.".

(3) After subsection (5) insert—

"(5ZA) In a case where the indictment is presented against a person who was committed for trial under Chapter2 of Part 2 of the Justice Act (Northern Ireland) 2015—

(a) subsection (5) does not apply; and

(b) the indictment or any count in the indictment may charge any other indictable offence which is founded on facts or evidence disclosed in the documents given to the Crown Court

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in accordance with provision made under section 13(2)(a) of that Act;

but the judge presiding at the court before which the indictment is presented may, if he thinks it just to do so, disallow or quash any indictment or count presented by virtue of this subsection.".

(4) In subsection (6) after "(5)" insert " or (5ZA) ".

The Evidence of Alibi Act (Northern Ireland) 1972 (c. 6)

2 In section 1(1)(a) (notice of alibi) for "the end of the committal proceedings" (in each place where it occurs) substitute " the date on which the accused was committed for trial ".

The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8)

3 In Article 29 (free legal aid in the Crown Court) after paragraph (2) insert—

"(2A) In a case where a person has been committed for trial under Chapter2 of Part 2 of the Justice Act (Northern Ireland) 2015, paragraph (2)(b) applies with the substitution for the words from "reading" to the end of the words "reading the documents given to the Crown Court in accordance with provision made under section 13(2)(a) of the Justice Act (Northern Ireland) 2015.".

The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (NI 16)

4 In Article 3(1)(b) (notice of transfer) after "committed for trial" insert " in committal proceedings ".

The Criminal Evidence (Northern Ireland) Order 1988 (NI 20)

5.—(1) In Article 3 (circumstances in which inferences may be drawn from accused's failure to mention particular facts when questioned, charged, etc.) in paragraph (2)—

(a) in sub-paragraph (a) after "to commit the accused for trial" insert " in committal proceedings "; and

(b) in sub-paragraph (b)(ii) for the "and" at the end substitute "or

(iii) section 14 of the Justice Act (Northern Ireland) 2015 (application for dismissal of charge by person committed for trial under section 11 or 12 of that Act); and".

(2) In Article 5 (inferences from failure or refusal to account for objects, marks, etc.) in paragraph (2)—

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(a) in sub-paragraph (a) after "to commit the accused for trial" insert " in committal proceedings "; and

(b) in sub-paragraph (aa)(ii) for the "and" at the end substitute "or

(iii) section 14 of the Justice Act (Northern Ireland) 2015 (application for dismissal of charge by person committed for trial under section 11 or 12 of that Act); and".

(3) In Article 6 (inferences from failure or refusal to account for presence at a particular place) in paragraph (2)—

(a) in sub-paragraph (a) after "to commit the accused for trial" insert " in committal proceedings "; and

(b) in sub-paragraph (aa)(ii) for the "and" at the end substitute "or

(iii) section 14 of the Justice Act (Northern Ireland) 2015 (application for dismissal of charge by person committed for trial under section 11 or 12 of that Act); and".

The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)

6.—(1) In Article 56 (intimate searches) in paragraph (13A)—

(a) in sub-paragraph (a) after "to commit the accused for trial" insert " in committal proceedings "; and

(b) in sub-paragraph (b)(ii) for the "and" at the end substitute "or

(iii) section 14 of the Justice Act (Northern Ireland) 2015 (application for dismissal of charge by person committed for trial under section 11 or 12 of that Act); and".

(2) In Article 56A (X-rays and ultrasound scans) in paragraph (9)—

(a) in sub-paragraph (a) after "to commit the accused for trial" insert " in committal proceedings "; and

(b) in sub-paragraph (b)(ii) for the "and" at the end substitute "or

(iii) section 14 of the Justice Act (Northern Ireland) 2015 (application for dismissal of charge by person committed for trial under section 11 or 12 of that Act); and".

(3) In Article 62 (intimate samples) in paragraph (10)—

(a) in sub-paragraph (a)(i) after "to commit that person for trial" insert " in committal proceedings "; and

(b) after sub-paragraph (aa) insert—

"(ab) a judge in deciding whether to grant an application under section 14 of the Justice Act (Northern Ireland) 2015 (application for dismissal of charge by person committed for trial under section 11 or 12 of that Act); and".

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The Children's Evidence (Northern Ireland) Order 1995 (NI 3)

7 In Article 4(1)(a) (notice of transfer) after "committed for trial" insert " in committal proceedings ".

The Criminal Procedure and Investigations Act 1996 (c. 25)

8 In section 5 (compulsory disclosure by accused) after subsection (1) insert—

"(1A) Where this Part applies by virtue of section 1(2)(a) and the accused has been committed for trial under Chapter2 of Part 2 of the Justice Act (Northern Ireland) 2015, this section does not apply unless the documents mentioned in section 13(2)(a) of that Act have been given to the accused in accordance with provision made under section 13(2)(a).".

The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)

9 In Article 9 (power to join in indictment counts for certain summary offences) in paragraph (1) at the end add " or in the documents which, in accordance with rules made by virtue of section 13(2)(a) of the Justice Act (Northern Ireland) 2015, were given to the person charged. ".

The Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9)

10 In Article 29 (power of magistrates' court to remit a child for trial to a youth court) in paragraph (2)(b)(i) for the words from "conducts" to "commits him for trial or discharges him" substitute " commits him for trial or (following committal proceedings) discharges him. "

The Criminal Evidence (Northern Ireland) Order 1999 (NI 8)

11 In Article 29 (interpretation and application of Article 28) in paragraph (3) after sub-paragraph (a) insert—

"(aa) the hearing of an application under section 14 of the Justice Act (Northern Ireland) 2015 (application for dismissal of charge by person committed for trial under section 11 or 12 of that Act),".

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SCHEDULE 3

Section 36.

DISCLOSURE OF INFORMATION: VICTIM AND WITNESS SUPPORT SERVICES AND VICTIM INFORMATION SCHEMES

Disclosure by police to body providing support services for victims

1.—(1) A police officer or member of the police support staff may disclose relevant information relating to a victim to a prescribed body for the purpose of enabling that body to advise the victim about support services provided by the body, or offer or provide support services to the victim.

(2) For the purposes of this paragraph—

"relevant information relating to a victim" means—

(a) the name and address of the victim;

(b) any telephone number or e-mail address at which the victim may be contacted; and

(c) such other information relating to the victim or the criminal conduct concerned as it appears to the police officer or member of the police support staff to be appropriate to disclose for the purpose mentioned in sub-paragraph (1);

"support services" means services involving the provision of information, advice, support or any other form of assistance to victims.

Disclosure by Public Prosecution Service to body providing support services for witnesses

2.—(1) Where the Director of Public Prosecutions has the conduct of criminal proceedings, a member of staff of the Public Prosecution Service may disclose relevant information relating to a witness for the prosecution in those proceedings to a prescribed body for the purpose of enabling that body to advise the witness about support services provided by the body, or offer or provide support services to the witness.

(2) For the purposes of this paragraph—

(a) "relevant information relating to a witness" means—

(i) the name and address of the witness;

(ii) the age of the witness;

(iii) any telephone number or e-mail address at which the witness may be contacted; and

(iv) such other information relating to the witness or the proceedings concerned as it appears to the member of staff of the Public

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Prosecution Service to be appropriate to disclose for the purpose mentioned in sub-paragraph (1).

(3) In this paragraph—

"support services" means services involving the provision of information, advice, support or any other form of assistance to prosecution witnesses in criminal proceedings;

"prosecution witness", in relation to any criminal proceedings, means a person who has been or may be called to give evidence for the prosecution in such proceedings.

Disclosure by Public Prosecution Service for purposes of victim information schemes

3.—(1) A member of staff of the Public Prosecution Service may disclose relevant information relating to a victim to the Department for the purpose of enabling the Department to provide information and advice to the victim in connection with—

(a) a scheme under section 68 of the Justice (Northern Ireland) Act 2002 (prisoner release victim information scheme); or

(b) a scheme under section 69A of the Justice (Northern Ireland) Act 2002 (victims of mentally disordered offenders information scheme).

(2) A member of staff of the Public Prosecution Service may disclose relevant information relating to a victim to the Board for the purpose of enabling the Board to provide information and advice to the victim in connection with a scheme under Article 25 of the Criminal Justice (Northern Ireland) Order 2005 (the Probation Board for Northern Ireland victim information scheme).

(3) For the purposes of this paragraph "relevant information relating to a victim" means—

(a) the name and address of the victim;

(b) any telephone number or e-mail address at which the victim may be contacted;

(c) details of the criminal conduct concerned; and

(d) such other information relating to the victim or the criminal conduct concerned as it appears to the member of staff of the Public Prosecution Service to be appropriate to disclose for the purpose mentioned in sub-paragraph (1).

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Unauthorised disclosure of information

4.—(1) If a person to whom this paragraph applies discloses without lawful authority any information—

(a) acquired in the course of that person's employment,

(b) which is, or is derived from, information provided under this Schedule, and

(c) which relates to a particular person,

that person is guilty of an offence.

(2) This paragraph applies to any person who is—

(a) employed in a body prescribed under paragraph 1 or 2 or in the provision of services to such a body;

(b) employed in the Department or in the provision of services to the Department; or

(c) employed by the Board or in the provision of services to the Board.

(3) It is not an offence under this paragraph to disclose information which has previously been disclosed to the public with lawful authority.

(4) It is a defence for a person charged with an offence under this paragraph to show that at the time of the alleged offence—

(a) that person believed that the disclosure in question was made with lawful authority and had no reasonable cause to believe otherwise; or

(b) that person believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(5) A person who is guilty of an offence under this paragraph is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

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

(6) For the purposes of this paragraph a disclosure of information by a person is to be regarded as made with lawful authority if, and only if, it is made—

(a) in the course of and for the purposes of that person's employment in a prescribed body;

(b) in accordance with that person's official duty as a civil servant or as an employee of the Board;

(c) in accordance with an authorisation given by the Department, the Board or the prescribed body;

(d) in accordance with any statutory provision or order of a court;

(e) for the purposes of any criminal proceedings; or

(f) with the consent of the person to whom the information relates.

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(7) In this paragraph "employment"—

(a) includes employment as a volunteer; and

(b) in relation to a particular person, shall be construed in accordance with sub-paragraph (2).

Saving for other powers of disclosure

5 Nothing in this Schedule affects any power to disclose information that exists apart from this Schedule

Interpretation

6.—(1) In this Schedule—

"the Board" means the Probation Board for Northern Ireland;

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

(2) Section 29 (meaning of victim and related terms) applies for the purposes of this Schedule as it applies for the purposes of section 28.

SCHEDULE 4 Section 41.

SCHEDULE INSERTED AS SCHEDULE 8A TO THE POLICE ACT 1997

Commencement Information

I33 Sch. 4 in operation at 1.3.2016 by S.R. 2015/418, **art. 3(b)**

"SCHEDULE 8A

REVIEW OF CRIMINAL RECORD CERTIFICATES

Interpretation

1 In this Schedule—

"conviction" and "spent conviction" have the same meanings as in the Rehabilitation of Offenders (Northern Ireland) Order 1978;

"the independent reviewer" means the person appointed under paragraph 2;

"other disposal", in relation to a criminal record certificate or enhanced criminal record certificate issued to any person, means any caution,

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diversionary youth conference or informed warning relating to that person of which details are given in the certificate.

The independent reviewer

2.—(1) There is to be an independent reviewer for the purposes of this Schedule.

(2) The independent reviewer is a person appointed by the Department—

(a) for such period, not exceeding 3 years, as the Department decides; and

(b) on such terms as the Department decides.

(3) A person may be appointed for a further period or periods.

(4) The Department may terminate the appointment of the independent reviewer before the end of the period mentioned in sub-paragraph (2)(a) by giving the independent reviewer notice of the determination not less than 3 months before it is to take effect.

(5) The Department may—

(a) pay such remuneration or allowances to the independent reviewer as it may determine;

(b) make arrangements for the provision of administrative or other assistance to the independent reviewer.

(6) The independent reviewer must, in relation to each financial year and no later than 3 months after the end of that year, make a report to the Department about the exercise of his or her functions under this Schedule in that year.

(7) The independent reviewer may make recommendations to the Department as to—

(a) any guidance issued by the Department under paragraph 3 or which the independent reviewer thinks it would be appropriate for the Department to issue under that paragraph;

(b) any changes to any statutory provision which the independent reviewer thinks may be appropriate.

(8) A person may at the same time hold office as the independent reviewer and as the independent monitor under section 119B.

Guidance

3 The Department may from time to time publish guidance to the independent reviewer as to the exercise of functions under this Schedule; and in exercising functions under this Schedule the independent reviewer must have regard to any guidance for the time being published under this paragraph.

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Application for review after issue of certificate

4.—(1) A person who receives a criminal record certificate or an enhanced criminal record certificate may apply in writing to the Department for a review of the inclusion in that certificate of—

(a) the details of any spent conviction; or

(b) the details of any other disposal.

(2) An application under this paragraph must—

(a) be accompanied by such fee (if any) as may be prescribed; and

(b) be made within such period after the issue of the certificate as the Department may specify in a notice accompanying the certificate.

(3) The Department must refer any application under this paragraph to the independent reviewer together with—

(a) any information supplied by the applicant in connection with the application; and

(b) any other information which appears to the Department to be relevant to the application.

Review by independent reviewer after issue of certificate

5.—(1) The independent reviewer, on receiving an application under paragraph 4 in relation to a certificate, must review the inclusion in that certificate of—

(a) the details of any spent conviction; and

(b) the details of any other disposal.

(2) If, following that review, the independent reviewer determines that the details of any spent conviction or other disposal included in the certificate should be removed—

(a) the independent reviewer must inform the Department of that fact; and

(b) on being so informed the Department must issue a new certificate.

(3) In issuing such a certificate the Department must give effect to the determination of the independent reviewer and must (in the case of an enhanced certificate) again comply with section 113B(4).

(4) If, following that review, the independent reviewer determines that the details of any spent convictions or other disposals included in the certificate should not be removed—

(a) the independent reviewer must inform the Department of that fact; and

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(b) the Department must inform the applicant that the application is refused.

(5) The independent reviewer must not determine that details of a spent conviction or other disposal should be removed from a certificate unless the independent reviewer is satisfied that the removal of those details would not undermine the safeguarding or protection of children and vulnerable adults or pose a risk of harm to the public.

Automatic review before issue of certificate containing only details of spent convictions or other disposals of person under 18

6.—(1) This paragraph applies where—

(a) the Department proposes to issue (otherwise than under sub-paragraph (4)(b) or (6)(b)) a criminal record certificate or an enhanced criminal record certificate relating to any person; and

(b) the certificate would—

(i) contain details of any spent conviction or other disposal which occurred at a time when the person was under the age of 18; but

(ii) not contain details of any conviction (whether spent or not) or other disposal occurring after that time.

(2) The Department must, before issuing the certificate, refer the certificate for review to the independent reviewer together with any information which appears to the Department to be relevant to that review.

(3) The independent reviewer, on receiving a referral under sub-paragraph (2) in relation to a certificate, must review the inclusion in that certificate of—

(a) the details of any spent conviction; and

(b) the details of any other disposal.

(4) If, following that review, the independent reviewer determines that the details of any spent conviction or other disposal included in the certificate should be removed—

(a) the independent reviewer must inform the Department of that fact; and

(b) on being so informed the Department must amend the certificate and issue the amended certificate.

(5) In issuing such a certificate the Department must give effect to the determination of the independent reviewer and must (in the case of an enhanced certificate) again comply with section 113B(4).

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(6) If, following that review, the independent reviewer determines that the details of any spent convictions or other disposals included in the certificate should not be removed—

(a) the independent reviewer must inform the Department of that fact; and

(b) the Department must issue the certificate in the form referred to the independent reviewer.

(7) The independent reviewer must not determine that details of a spent conviction or other disposal should be removed from a certificate unless the independent reviewer is satisfied that the removal of those details would not undermine the safeguarding or protection of children and vulnerable adults or pose a risk of harm to the public.

(8) The fact that a review has been carried out under this paragraph before a certificate is issued does not prevent the operation of paragraphs 4 and 5 in relation to the certificate once issued.

Disclosure of information to the independent reviewer

7 The Chief Constable, the Department and the Probation Board for Northern Ireland must provide to the independent reviewer such information as the independent reviewer reasonably requires in connection with the exercise of his or her functions under this Schedule.”.

SCHEDULE 5

Section 47.

AMENDMENTS: CRIMINAL RECORDS

The Police Act 1997(c. 50)

1.—(1) Section 113A (criminal record certificates) is amended as follows.

(2) In subsection (4) for “the registered person who countersigned” substitute “ whoever acted as the registered person in relation to ”.

(3) After subsection (8) insert—

“(9) For the purposes of this Part a person acts as the registered person in relation to an application for a criminal record certificate if the person—

(a) countersigns the application, or

(b) transmits the application to the Department under subsection (2A).”

Status: *Point in time view as at 14/03/2016. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Justice Act (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 08 May 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

I34 Sch. 5 para. 1 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(i)**

2.—(1) Section 113B (enhanced criminal record certificates) is amended as follows.

(2) In subsection (6) for "the registered person who countersigned" substitute " whoever acted as the registered person in relation to ".

(3) After subsection (11) insert—

"(12) For the purposes of this Part a person acts as the registered person in relation to an application foran enhanced criminal record certificate if the person—

(a) countersigns the application, or

(b) transmits the application to the Department under subsection (2A)."

Commencement Information

I35 Sch. 5 para. 2 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(i)**

3 In section 113BC(1) (suitability information: power to amend) after paragraph (b) insert—

"(c) amend section 120AC(4)(b) in consequence of an order made under paragraph (a) or (b)."

Commencement Information

I36 Sch. 5 para. 3 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(i)**

4 In section 114(3) (application of other provisions of Part 5 to an application under that section) for "Section 113A(3) to (6)" substitute " Sections 113A(3) to (6), 120AC and 120AD ".

Commencement Information

I37 Sch. 5 para. 4 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(i)**

5 In section 116(3) (application of other provisions of Part 5 to an application under that section) for "and 113BA to 113BC" substitute " , 113BA to 113BC, 120AC and 120AD ".

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Commencement Information

I38 Sch. 5 para. 5 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(i)**

PROSPECTIVE

6.—(1) Section 117 (disputes about accuracy of certificates) is amended as follows.

(2) In the title for "accuracy of certificates" substitute " certificates and up-date information ".

(3) After subsection (1A) insert—

"(1B) Where a person believes that the wrong up-date information has been given under section 116A in relation to the person's certificate, the person may make an application in writing to the Department for corrected up-date information.".

(4) In subsection (2)—

(a) after "inaccurate" insert " , or that the wrong up-date information has been given, ", and

(b) after "new certificate" insert " or (as the case may be) corrected up-date information ".

(5) After subsection (2) insert—

"(2A) In this section—

"corrected up-date information", in relation to a certificate, means information which includes—

(a) information that the wrong up-date information was given in relation to the certificate on a particular date, and

(b) new up-date information in relation to the certificate,

"up-date information" has the same meaning as in section 116A."

7.—(1) Section 118 (evidence of identity) is amended as follows.

(2) In subsection (1)—

(a) after "consider" insert " an application as mentioned in section 116A(4)(a) or (5)(a) or ", and

(b) after "117" insert " , 117A ".

(3) After subsection (3) insert—

"(3A) The Department by notice given in writing may require a person who has a certificate which is subject to up-date arrangements under

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section 116A to attend at a place and time specified in the notice to provide fingerprints for the sole purpose of enabling the Department to verify whether information in the possession of the Department that the Department considers may be relevant to the person's certificate does relate to that person.

(3B) If a person fails to comply with a requirement imposed under subsection (3A), the Department by notice given in writing may inform that person that, from a date specified in the notice, the person's certificate is to cease to be subject to up-date arrangements.”.

(4) In subsection (4) after “117” insert “ or 117A ”.

Commencement Information

I39 Sch. 5 para. 7(1) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, **art. 2(m)(ii)**

I40 Sch. 5 para. 7(2) in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(ii)**

I41 Sch. 5 para. 7(4) in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(ii)**

8.—(1) Section 119 (sources of information) is amended as follows.

(2) In subsection (1A), after paragraph (a) (but before the word “or” at the end of the paragraph) insert—

“(aa) the provision of up-date information under section 116A;”.

(3) In subsection (1B) for the words from “determining” to the end substitute “ deciding whether to make a request to that chief officer under section 113B(4) ”.

(4) After subsection (2) insert—

“(2A) Where, in connection with the provision of up-date information under section 116A, the chief officer of a police force receives a request for information of the kind mentioned in section 113B(4), the chief officer of police must comply with it as soon as practicable.”.

(5) In subsection (4) at the end of paragraph (a), after “registration;” insert—

“(aa) any application as mentioned in section 116A(4)(a) or (5)(a);”.

(6) In subsection (8) at the end of paragraph (a) insert—

“(aa) under this Part in relation to any request under section 116A(1);”.

Commencement Information

I42 Sch. 5 para. 8(1) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, **art. 2(m)(iii)**

I43 Sch. 5 para. 8(3) in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(iii)**

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9.—(1) Section 119B (independent monitor) is amended as follows.

(2) Omit subsection (5)(a).

(3) In subsection (5)(c) omit the words from "or disclosed" to the end.

(4) After subsection (5)(c) insert—

"(ca) a sample of cases in which the chief officer of a police force has decided that information should be disclosed or not disclosed to the Department for the purpose of the provision by the Department of update information under section 116A;".

(5) After subsection (8) insert—

"(8A) The independent monitor has the functions conferred on the monitor by section 117A.".

(6) In subsection (9) after "section" insert " or section 117A ".

Commencement Information

I44 Sch. 5 para. 9(1) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, **art. 2(m)(iv)**

I45 Sch. 5 para. 9(2) in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(iv)**

I46 Sch. 5 para. 9(5) in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(iv)**

I47 Sch. 5 para. 9(6) in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(iv)**

10.—(1) Section 120 (registered persons) is amended as follows.

(2) In subsection (2)—

(a) for the words from the beginning to "the", where it first occurs, substitute " The ",

(b) after paragraph (a) insert " and ", and

(c) omit paragraph (c) and the word "and" before it.

(3) After that subsection insert—

"(2A) Subsection (2) is subject to—

(a) regulations under section 120ZA,

(b) section 120A, and

(c) section 120AA and regulations made under that section.".

(4) In subsection (5)(b) for "countersign" substitute " act as the registered person in relation to ".

Commencement Information

I48 Sch. 5 para. 10 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(i)**

11.—(1) Section 120ZA (regulations about registration) is amended as follows.

(2) In subsection (2)(d) after "this Part" insert " or the transmitting of applications under section 113A(2A) or 113B(2A) ".

(3) In subsection (4)—

(a) in paragraph (a) for "he countersigns" substitute " acting as the registered person in relation to ", and

(b) in paragraph (b) for "registered person who countersigns it" substitute " person who acts as the registered person in relation to the application ".

Commencement Information

I49 Sch. 5 para. 11 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(i)**

12 In section 120A(4) (provision of information about suitability of registered persons)—

(a) in paragraph (b)(iii) for "the countersigning of applications by a particular applicant for registration or by a particular registered person" substitute " a particular applicant for registration, or a particular registered person, acting as the registered person in relation to applications under this Part ", and

(b) in paragraph (c) for "the countersigning of" substitute " a person acting as the registered person in relation to ".

Commencement Information

I50 Sch. 5 para. 12 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(i)**

13.—(1) Section 120AA (refusal, cancellation or suspension of registration on other grounds) is amended as follows.

(2) In subsection (1) for "countersign" substitute " act as the registered person in relation to ".

(3) In subsection (2)—

(a) in paragraph (a) for "countersign" substitute " act as the registered person in relation to ", and

(b) in paragraph (b) for "countersigned" substitute " acted as the registered person in relation to ".

Commencement Information

I51 Sch. 5 para. 13 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(i)**

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14 In section 120AB(8)(a) (exception from procedure for cancellation or suspension) for "countersigning" substitute " acting as the registered person in relation to "

Commencement Information

I52 Sch. 5 para. 14 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(i)**

15.—(1) Section 122 (code of practice) is amended as follows—

(2) After subsection (1) insert—

"(1A) The reference in subsection (1) to the use of information provided to registered persons under this Part includes a reference to the use of information provided in accordance with section 116A(1) to relevant persons (within the meaning of that section) who are not registered persons under this Part.".

(3) In subsection (3)—

(a) for "registered person who countersigned" substitute " person who acted as the registered person in relation to ", and

(b) in paragraph (b) for "countersigned" substitute " acted as the registered person ".

(4) Omit subsection (3A)(a).

Commencement Information

I53 Sch. 5 para. 15(1) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, **art. 2(m)(v)**

I54 Sch. 5 para. 15(4) in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(v)**

16.—(1) Section 124 (offences: disclosure) is amended as follows.

(2) In subsection (1)(b) and (c) for "countersigned" substitute " acted as the registered person in relation to ".

(3) In subsection (2) for "countersigned" substitute " in relation to which the person who acted as the registered person did so ".

(4) In subsection (3) for "countersigned by or at the request of an individual" substitute " in relation to which an individual acted as the registered person, or in relation to which the person who acted as the registered person did so at the request of an individual ".

(5) In subsection (4)—

(a) in paragraph (b) omit "(5) or", and

(b) for "subsections (5) and (6)" substitute " subsection (6) ".

(6) Omit subsection (5).

Commencement Information

I55 Sch. 5 para. 16(1) in operation at 2.11.2015 for specified purposes by S.R. 2015/358, **art. 2(m)(vi)**

I56 Sch. 5 para. 16(5) in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(vi)**

17.—(1) Section 124A (offences relating to disclosure of information obtained in connection with delegated function) is amended as follows.

(2) In subsection (1)(c) omit "or registered person".

(3) After subsection (6) insert—

"(6A) For the purposes of this section the reference to an applicant includes a person who makes a request under section 116A(1), 120AC(1) or 120AD(2).".

Commencement Information

I57 Sch. 5 para. 17 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(i)**

18 After section 125B(2) (form of applications) insert—

"(3) In this section "application" includes a request under section 116A(1), 120AC(1) or 120AD(2).".

Commencement Information

I58 Sch. 5 para. 18 in operation at 2.11.2015 for specified purposes by S.R. 2015/358, **art. 2(m)(vii)**

19.—(1) In section 126(1) (interpretation of Part 5) is amended as follows.

(2) In the definition of "certificate", after "application" insert "but does not include any documents issued in response to—

(a) a request under section 116A(1),

(b) an application as mentioned in section 116A(4)(a) or (5)(a), or

(c) a request under section 120AC or 120AD.".

(3) After the definition of "chief officer" insert—

""the Department" means the Department of Justice in Northern Ireland;".

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Commencement Information

I59 Sch. 5 para. 19 in operation at 2.11.2015 for specified purposes by S.R. 2015/358, **art. 2(m)(viii)**

The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (NI 11)

20.—(1) Paragraph 19 of Schedule 1 (barred lists: information) is amended as follows.

(2) In sub-paragraph (1)(c) for "chief officer of a relevant police force" substitute " relevant chief officer ".

(3) In sub-paragraph (3) after "which the" insert " relevant ".

(4) In sub-paragraph (5) for "chief officer of the relevant police force" substitute " relevant chief officer ".

(5) In sub-paragraph (7) for the definition of "relevant police force" substitute—

""the relevant chief officer" means any chief officer of a police force who is identified by the Secretary of State for the purposes of this paragraph;".

(6) After sub-paragraph (7) insert—

"(7A) Subsections (10) and (11) of section 113B of the Police Act 1997 apply for the purposes of the definition of "the relevant chief officer" as they apply for the purposes of that section.".

(7) In sub-paragraph (8) for "which police forces are relevant police forces" substitute " who is the relevant chief officer ".

Commencement Information

I60 Sch. 5 para. 20 in operation at 2.11.2015 by S.R. 2015/358, **art. 2(m)(i)**

SCHEDULE 6

Section 96.

AMENDMENTS: SERIOUS PHYSICAL HARM TO CHILD OR VULNERABLE ADULT

The Law Reform (Year and a Day Rule) Act 1996 (c. 19)

1 In section 2 (restriction on institution of proceedings for fatal offence) in subsection (3)(c) for "(causing or allowing the death of a child or vulnerable adult)" substitute " of causing or allowing the death of a child or vulnerable adult ".

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Commencement Information

I61 Sch. 6 para. 1 in operation at 14.3.2016 by S.R. 2016/136, **art. 2(b)**

The Sexual Offences Act 2003 (c. 42)

2 In Schedule 5 (offences for purposes of making sexual offences prevention orders) in paragraph 171A for "the death of a child or vulnerable adult" substitute " a child or vulnerable adult to die or suffer serious physical harm ".

Commencement Information

I62 Sch. 6 para. 2 in operation at 14.3.2016 by S.R. 2016/136, **art. 2(b)**

The Domestic Violence, Crime and Victims Act 2004 (c. 28)

3.—(1) For the heading of section 7 substitute " Evidence and procedure in cases of death: Northern Ireland ".

(2) In section 7(5) after "section 5" insert " of causing or allowing a person's death ".

(3) After section 7 insert—

"**7A Evidence and procedure in cases of serious physical harm: Northern Ireland**

(1) Subsections (3) to (5) apply where a person ("the defendant") is charged in the same proceedings with a relevant offence and with an offence under section 5 in respect of the same harm ("the section 5 offence").

(2) In this section "relevant offence" means—

(a) an offence under section 18 or 20 of the Offences against the Person Act 1861 (grievous bodily harm etc.);

(b) an offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit murder.

(3) Where by virtue of Article 4(4) of the Criminal Evidence (Northern Ireland) Order 1988 a court or jury is permitted, in relation to the section 5 offence, to draw such inferences as appear proper from the defendant's failure to give evidence or refusal to answer a question, the court or jury may also draw such inferences in determining whether the defendant is guilty of a relevant offence, even if there would otherwise be no case for the defendant to answer in relation to that offence.

(4) Where a magistrates' court is considering under Article 37 of the Magistrates' Courts (Northern Ireland) Order 1981 whether to commit the defendant for trial for the relevant offence, if there is sufficient evidence to put the defendant on trial for the section 5 offence there is deemed to be sufficient evidence to put the defendant on trial for the relevant offence.

(5) The power of a judge of the Crown Court under section 2(3) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 (entry of "No Bill")is not to be exercised in relation to a relevant offence unless it is also exercised in relation to the section 5 offence.

(6) At the defendant's trial the question whether there is a case for the defendant to answer on the charge of the relevant offence is not to be considered before the close of all the evidence (or, if at some earlier time the defendant ceases to be charged with the section 5 offence, before that earlier time).".

Commencement Information

I63 Sch. 6 para. 3 in operation at 14.3.2016 by S.R. 2016/136, **art. 2(b)**

The Criminal Justice (Northern Ireland) Order 2008 (NI 1)

4 In Part 1 of Schedule 2 (specified violent offences) in paragraph 30 for "the death of a child or vulnerable adult" substitute " a child or vulnerable adult to die or suffer serious physical harm ".

Commencement Information

I64 Sch. 6 para. 4 in operation at 14.3.2016 by S.R. 2016/136, **art. 2(b)**

SCHEDULE 7

Section 87.

DOMESTIC VIOLENCE PROTECTION NOTICES AND ORDERS

PROSPECTIVE

Power to issue a domestic violence protection notice

1.—(1) A police officer not below the rank of superintendent ("the authorising officer") may issue a domestic violence protection notice ("a DVPN") under this paragraph.

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(2) A DVPN may be issued to a person ("P") aged 18 years or over if the authorising officer has reasonable grounds for believing that—

(a) P has been violent towards, or has threatened violence towards, an associated person, and

(b) the issue of the DVPN is necessary to protect that person from violence or a threat of violence by P.

(3) Before issuing a DVPN, the authorising officer must, in particular, consider—

(a) the welfare of any person under the age of 18 whose interests the officer considers relevant to the issuing of the DVPN (whether or not that person is an associated person),

(b) the opinion of the person for whose protection the DVPN would be issued as to the issuing of the DVPN,

(c) any representations made by P as to the issuing of the DVPN, and

(d) in the case of provision included by virtue of sub-paragraph (8), the opinion of any other associated person who lives in the premises to which the provision would relate.

(4) The authorising officer must take reasonable steps to discover the opinions mentioned in sub-paragraph (3).

(5) But the authorising officer may issue a DVPN in circumstances where the person for whose protection it is issued does not consent to the issuing of the DVPN.

(6) A DVPN must contain provision to prohibit P from molesting the person for whose protection it is issued.

(7) Provision required to be included by virtue of sub-paragraph (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.

(8) If P lives in premises which are also lived in by a person for whose protection the DVPN is issued, the DVPN may also contain provision—

(a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPN is issued,

(b) to prohibit P from entering the premises,

(c) to require P to leave the premises, or

(d) to prohibit P from coming within such distance of the premises as may be specified in the DVPN.

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PROSPECTIVE

Contents and service of a domestic violence protection notice

2.—(1) A DVPN must state—

(a) the grounds on which it has been issued,

(b) that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPN,

(c) that an application for a domestic violence protection order ("a DVPO") under paragraph 4 will be heard within 48 hours of the time of service of the DVPN and a notice of the hearing will be given to P,

(d) that the DVPN continues in effect until that application has been determined, and

(e) the provision that a court of summary jurisdiction may include in a DVPO.

(2) A DVPN must be in writing and must be served on P personally by a constable.

(3) On serving P with a DVPN, the constable must ask P for an address for the purposes of being given the notice of the hearing of the application for the DVPO.

PROSPECTIVE

Breach of a domestic violence protection notice

3.—(1) A person arrested by virtue of paragraph 2(1)(b) for a breach of a DVPN must be held in custody and brought before the court of summary jurisdiction which will hear the application for the DVPO under paragraph 4—

(a) before the end of the period of 24 hours beginning with the time of the arrest, or

(b) if earlier, at the hearing of that application.

(2) If the person is brought before the court by virtue of sub-paragraph (1)(a), the court may remand the person.

(3) If the court adjourns the hearing of the application by virtue of paragraph 4(7), the court may remand the person.

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PROSPECTIVE

Application for a domestic violence protection order

4.—(1) If a DVPN has been issued, a constable must apply for a DVPO.

(2) The application must be made by complaint to a court of summary jurisdiction.

(3) The application must be heard by the court not later than 48 hours after the DVPN was served pursuant to paragraph 2(2).

(4) A notice of the hearing of the application must be given to P.

(5) The notice is deemed given if it has been left at the address given by P under paragraph 2(3).

(6) But if the notice has not been given because no address was given by P under paragraph 2(3), the court may hear the application for the DVPO if the court is satisfied that the constable applying for the DVPO has made reasonable efforts to give P the notice.

(7) The court may adjourn the hearing of the application.

(8) If the court adjourns the hearing, the DVPN continues in effect until the application has been determined.

(9) On the hearing of an application for a DVPO, Article 118 of the Magistrates' Courts (Northern Ireland) Order 1981 (summons to witness and warrant for arrest) does not apply in relation to a person for whose protection the DVPO would be made, except where the person has given oral or written evidence at the hearing.

PROSPECTIVE

Conditions for and contents of a DVPO

5.—(1) The court may make a DVPO if two conditions are met.

(2) The first condition is that the court is satisfied on the balance of probabilities that P has been violent towards, or has threatened violence towards, an associated person.

(3) The second condition is that the court thinks that making the DVPO is necessary to protect that person from violence or a threat of violence by P.

(4) Before making a DVPO, the court must, in particular, consider—

(a) the welfare of any person under the age of 18 whose interests the court considers relevant to the making of the DVPO (whether or not that person is an associated person), and

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(b) any opinion of which the court is made aware—

(i) of the person for whose protection the DVPO would be made, and

(ii) in the case of provision included by virtue of sub-paragraph (8), of any other associated person who lives in the premises to which the provision would relate.

(5) But the court may make a DVPO in circumstances where the person for whose protection it is made does not consent to the making of the DVPO.

(6) A DVPO must contain provision to prohibit P from molesting the person for whose protection it is made.

(7) Provision required to be included by virtue of sub-paragraph (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.

(8) If P lives in premises which are also lived in by a person for whose protection the DVPO is made, the DVPO may also contain provision—

(a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPO is made,

(b) to prohibit P from entering the premises,

(c) to require P to leave the premises, or

(d) to prohibit P from coming within such distance of the premises as may be specified in the DVPO.

(9) A DVPO must state that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPO.

(10) A DVPO may be in force for—

(a) no fewer than 14 days beginning with the day on which it is made, and

(b) no more than 28 days beginning with that day.

(11) A DVPO must state the period for which it is to be in force.

PROSPECTIVE

Breach of a DVPO

6.—(1) A person arrested by virtue of paragraph 5(9) for a breach of a DVPO must be held in custody and brought before a court of summary jurisdiction within the period of 24 hours beginning with the time of the arrest.

(2) If the court finds that the person has breached the DVPO, the court may—

(a) order the person to pay a sum not exceeding £5000; or

(b) commit the person to prison for a fixed period not exceeding 2 months.

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(3) Payment of any sum ordered to be paid under sub-paragraph (2)(a) is enforceable in the same manner as payment of a sum adjudged to be paid by a conviction.

(4) If the matter is not disposed of when the person is brought before the court under sub-paragraph (1), the court may remand the person.

(5) In section 44(5) of the Judicature (Northern Ireland) Act 1978 (appeals relating to punishment of contempt and other defaults) in paragraph (c) after "Article 112 of the Magistrates' Courts (Northern Ireland) Order 1981" insert " or paragraph 6 of Schedule 7 to the Justice Act (Northern Ireland) 2015 ".

PROSPECTIVE

Further provision about remand

7.—(1) This paragraph applies for the purposes of the remand of a person by a court under paragraph 3(2) or (3) or 6(4).

(2) The court may remand the person—

(a) in custody, that is to say, commit the person to custody to be brought before the court at the end of the period of remand; or

(b) on bail, that is to say, take from the person a recognizance conditioned for subsequent appearance before the court.

(3) If the person is remanded in custody, the court may give its consent to the person being remanded on bail in accordance with sub-paragraph (2)(b) in which event the court must fix the amount of the recognizance with a view to its being taken subsequently.

(4) Subject to sub-paragraphs (8), (11) and (12), the period for which a person is remanded in custody must not exceed—

(a) in case where the person is before the court and consents, 28 days;

(b) in any other case, 8 days.

(5) The period for which a person is remanded on bail must not exceed 28 days unless both the person and the relevant police officer consent.

(6) For the purposes of sub-paragraph (5) the relevant police officer is—

(a) in the case of a remand prior to the hearing of an application for a DVPO, the authorising officer;

(b) in any other case, the constable who applied for the DVPO.

(7) In the case of a person over the age of 21, the power to remand in custody includes power, on an application made by a police officer not below the rank of inspector, to commit that person to—

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(a) detention at a police station; or

(b) the custody (otherwise than at a police station) of a constable.

(8) The period for which a person is remanded under sub-paragraph (7) must not exceed 3 days.

(9) A person shall not be committed to detention at a police station under sub-paragraph (7)(a) unless there is a need for the person to be so detained for the purposes of inquiries into a criminal offence; and, if a person is committed to such detention—

(a) the person shall, as soon as that need ceases, be brought back before the court;

(b) the person shall be treated as a person in police detention to whom the duties under Article 40 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (responsibilities in relation to persons detained) relate; and

(c) the detention of the person shall be subject to periodic review at the times set out in Article 41 of that Order (review of police detention).

(10) A person shall not be committed to the custody (otherwise than at a police station) of a constable under sub-paragraph (7)(b) unless there is a need for the person to be kept in such custody for the purposes of inquiries into a criminal offence; and if a person is committed to such custody, the person shall, as soon as that need ceases, be brought back before the court.

(11) If the court has reason to suspect that a medical report will be required, the power to remand a person may be exercised for the purpose of enabling a medical examination to take place and a report to be made; and if the person is remanded in custody for that purpose, the remand may not be for more than 21 days.

(12) If the court has reason to suspect that the person is suffering from mental illness or severe mental impairment within the meaning of the Mental Health (Northern Ireland) Order 1986, the court has the same power to remand a person under Article 42 of that Order (remand to hospital for medical report) as it has under that Article in the case of an accused person (within the meaning of that Article).

(13) The court may order a person to be brought before it at any time before the expiration of the period for which the person has been remanded.

(14) The court may, when remanding the person on bail, require the person to comply, before release on bail or later, with such requirements as appear to the court to be necessary to secure that the person does not interfere with persons likely to give evidence at the hearing or otherwise obstruct the course of justice.

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PROSPECTIVE

Guidance

8.—(1) The Department may issue guidance relating to the exercise by a constable of functions under this Schedule.

(2) A constable must have regard to any guidance issued under this paragraph when exercising a function to which the guidance relates.

(3) Before issuing guidance under this paragraph, the Department must consult—

(a) the Chief Constable,

(b) the Policing Board, and

(c) such other persons as the Department thinks fit.

PROSPECTIVE

Interpretation

9.—(1) In this Schedule—

"associated person" means a person who is associated with P within the meaning of Article 3 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998;

"the authorising officer" has the meaning given by paragraph 1(1);

"a DVPN" has the meaning given by paragraph 1(1);

"a DVPO" has the meaning given by paragraph 2(1)(c);

"P" has the meaning given by paragraph 1(2).

(2) In calculating—

(a) when the period of 24 hours mentioned in paragraph 3(1)(a) or 6(1) ends, or

(b) when the period of 48 hours mentioned in paragraph 4(3) ends,

Christmas Day, Good Friday, any Sunday and any day which is a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971 are to be disregarded.

(3) In calculating the length of any period of remand, the period is to be taken as beginning on the day after the person is remanded.

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Pilot schemes

10.—(1) The Department may by order provide for any provision of paragraphs 1 to 9 to come into operation for a period of time to be specified in or under the order for the purpose of assessing the effectiveness of the provision.

(2) Such an order may make different provision for different areas.

(3) More than one order may be made under this paragraph.

(4) Provision included in an order under this paragraph does not affect the provision that may be included in relation to paragraphs 1 to 9 in an order under section 106.

SCHEDULE 8

Section 104.

TRANSITIONAL PROVISIONS AND SAVINGS

Part 1: Saving for jurisdiction conferred by other statutory provisions

1 Nothing in Part 1 affects any jurisdiction conferred by any other statutory provision on a county court or magistrates' court as regards matters arising outside Northern Ireland.

Part 1: Lay magistrates

2 A person who, immediately before section 4 comes into operation, was a lay magistrate for a county court division shall be treated as having been appointed under section 4 as a lay magistrate for the administrative court division which—

(a) is specified in the first directions given under section 2 as an administrative court division for all or the residual purposes of a magistrates' court; and

(b) contains the whole or the largest part of the county court division for which the lay justice was appointed.

Part 1: Justices of the peace

3 A person who, immediately before section 5 comes into operation, was a justice of the peace for a county court division shall be treated as having been appointed under section 5(2) as a justice of the peace for Northern Ireland.

Part 2: Committal proceedings

4 A provision in Part 2 does not apply in relation to proceedings instituted before the coming into operation of that provision; and for this purpose proceedings are to be taken to be instituted—

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(a) where—

(i) a summons or warrant is issued under Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981, or

(ii) a summons is issued under section 93,

when the complaint for the offence is made;

(b) where a person is charged with the offence after being taken into custody without a warrant, when that person is informed of the particulars of the charge;

(c) where an indictment is presented under the authority of section 2(2)(c), (d), (e) or (f) of the Grand Jury (Abolition) Act (Northern Ireland) 1969, when the indictment is presented to the court;

and where the application of this paragraph would result in there being more than one time for the institution of the proceedings, they shall be taken to have been instituted at the earliest of those times.

Part 3: Prosecutorial fines

5 Part 3 applies in relation to an offence alleged to have been committed before as well as after the coming into operation of that Part.

Part 7: Live links

6.—(1) Subject to sub-paragraph (2), Part 7 applies to proceedings commenced before as well as after the coming into operation of that Part.

(2) Section 52 does not apply in relation to a witness in any proceedings if an application for a direction under Article 10 of the Criminal Justice (Northern Ireland) Order 2004 has been refused in respect of that witness in those proceedings.

Part 9: DNA profiles or fingerprints

7 The amendment made by section 86 applies even where the event referred to in paragraph (1)(b) of the substituted Article 63N of the Police and Criminal Evidence (Northern Ireland) Order 1989 occurs before the day on which that section comes into operation.

Part 9: Early guilty pleas

8 Section 88 does not apply in relation to an offence committed before the coming into operation of that section.

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Part 9: Meeting a child following sexual grooming etc.

9 Section 89 does not apply in a case in which person A met or communicated with person B only once before the event mentioned in Article 22(1)(a)(i) to (iii) of the Sexual Offences (Northern Ireland) Order 2008, if that meeting or communication took place before the coming into operation of that section.'.

Part 9: Public Prosecutor's summons

10 Section 93 does not apply where a complaint referred to in subsection (1) or (3) of that section was made before the coming into operation of that section.

Part 9: Serious physical harm to a child or vulnerable adult

11 An amendment made by section 95 or Schedule 6 does not apply in relation to any harm resulting from an act that occurs, or so much of an act as occurs, before the coming into operation of that amendment.

SCHEDULE 9 Section 105.

REPEALS

VALID FROM 31/10/2016

PART 1

SINGLE JURISDICTION

Short Title	Extent of Repeal
The Gaming Act (Ireland) 1739 (c. 8)	In section 16 the words from “and shall be laid” to the end.
The Tithe Rentcharge (Ireland) Act 1838 (c. 109)	In section 27 the words “wherein the lands charged therewith may be situate”.
The Fisheries (Ireland) Act 1842 (c. 106)	In section 103 the words “in the district where the same shall be seized”.
The Companies Clauses Consolidation Act 1845 (c. 16)	In section 3 the words “acting for the place where the matter requiring the cognizance of any such justice shall arise and”.

The Railway Clauses Consolidation Act 1845 (c. 20)	In section 11 the words from "Provided also, that" to the end.
The Summary Jurisdiction (Ireland) Act 1851 (c. 92)	In section 1 the words "within his or their respective jurisdictions" and "(when the case shall be heard in any petty sessions district)".
The Towns Improvement (Ireland) Act 1854 (c. 103)	In section 1 the definition of "assistant barrister".
The Landlord and Tenant Law Amendment Act (Ireland) 1860 (c. 154)	In Schedule (A) the words "for the county of M," (wherever occurring).
The Dockyard Ports Regulation Act 1865 (c.125)	Section 22.
The Public Health (Ireland) Act 1878 (c. 52)	In section 2 the definition of "court of quarter sessions".
The Explosive Substances Act 1883 (c. 3)	In section 6(1) the words "for the county, borough, or place in which the crime was committed or is suspected to have been committed" and "in the said county, borough, or place".
The Local Government (Ireland) Act 1898 (c. 37)	In section 69(3) the words from "provided that" to the end.
	Section 69(4) and (5).
The Open Spaces Act 1906 (c. 25)	In section 4(2) the words from "of the district" to the end.
The Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)	In section 11 the words "and as if after the words "petty sessions" there were inserted " for the petty sessions district for which the court which made the order acts "."
The Government Annuities Act 1929 (c. 29)	In section 48(1) the words from "of the district in which the contract" to the end.
The Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1935 (c. 13)	Section 42.
The Water Supplies and Sewerage Act (Northern Ireland) 1945 (c. 17)	In section 16(1) the definition of "County Court".

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The Agriculture Act (Northern Ireland) 1949 (c. 2)	In section 17(1) the words "having jurisdiction for the area in which the land to which the notice relates is situate". Section 17(3).
The Maintenance Orders Act 1950 (c. 37)	In section 17(1)(b) the words "acting for the same petty sessions district as the court which made the order". In section 22(1J)(a) the words from "and as if" to the end.
The Foyle Fisheries Act (Northern Ireland) 1952 (c. 5)	In section 55(11) the words from "sitting for the petty sessions district" to the end. In section 64 the words "sitting for the petty sessions district in which it was seized".
The Interpretation Act (Northern Ireland) 1954 (c. 33)	In section 42(1), in the definition of "county court", the words "for a division". Section 42(2).
The Coroners Act (Northern Ireland) 1959 (c. 15)	In section 31(2) the words "county court".
The Northern Ireland Act 1962 (c. 30)	In section 29(1) the definition of "county court".
The Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962 (c. 13)	In section 13(4)(b) the words from "for the division in which are situated" to the end.
The Electoral Law Act (Northern Ireland) 1962 (c. 14)	In section 110(2) the words from "acting for" to "was arrested".
The Agricultural Marketing Act (Northern Ireland) 1964 (c. 13)	In section 13(5) the words from "for any division" to the end.
The Magistrates' Courts Act (Northern Ireland) 1964 (c. 21)	Section 3.
The Fisheries Act (Northern Ireland) 1966 (c. 17)	In section 170(2) the words from "sitting for" to the end.

	In section 170(5A) the words from "for the petty sessions district" to the end. In section 180 the words from "sitting for the petty sessions district" to "was seized". In section 188(1) the words "within that district". In section 188(2) the words "within the petty sessions district for which that court sits or in which that magistrate or justice has authority". In section 197(1) the words "for the petty sessions district in which that person resides, or in which the offence was committed". In Schedule 5A in paragraph 5 in the definition of "the court" the words from "sitting for the petty sessions district" to the end.
The Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (c. 35)	In section 11(2)(b) the words "acting for the petty sessions district in which the defendant appears to be".
The Medicines Act 1968 (c. 67)	In Schedule 3 in paragraph 28(2) the words from "for the district" to the end.
The Treatment of Offenders Act (Northern Ireland) 1968 (c. 29)	In section 21(1) the words from "having jurisdiction in the county court division" to "he is convicted". In section 21(3) the words "having jurisdiction in the place where he is arrested".
The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)	In section 178(1) the word "appropriate". In section 178(4) the definition of "appropriate lay magistrate". In Schedule 2 in paragraph 3(1) the words from "for the county court

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	division" to "adjoins that county court division".
	In Schedule 2, paragraphs 7 and 8(b).
The Industrial and Provident Societies Act (Northern Ireland) 1969 (c. 24)	In section 67(6)(a) the words "for the district where the registered office of the society is situate".
The Immigration Act 1971 (c. 77)	In section 28K(9)(b) the words "for the petty sessions district in which the premises are situated".
	In Schedule 2 in paragraphs 24(2)(a) and 33(2)(a) the words "acting for the petty sessions area in which he is arrested".
	In Schedule 3 in paragraph 6(3)(b) the words "acting for the county court division where the person to whom the application relates resides".
	In Schedule 3 in paragraph 8(1) the words "for the petty sessions district in which he was arrested".
The Civil Evidence Act (Northern Ireland) 1971 (c. 36)	In section 8(5)— (a) in the definition of "matrimonial proceedings" the word "divorce"; (b) the words " "divorce county court" has the same meaning as in the Matrimonial Causes (Northern Ireland) Order 1978 and".
The Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)	In section 9(1ZB)(b) the words from "and as if" to the end.
	Section 17(4).
	In section 28D(1) the words "acting for the petty sessions district in which the respondent is residing".
	Section 28D(4) and (5).
	Section 47(3).

The Drainage (Northern Ireland) Order 1973 (NI 1)	In Schedule 5 in paragraph 6(d) the words from "for the division" to "is situate".
The Consumer Credit Act 1974 (c. 39)	Section 140B(7). Section 143(a) and (b).
The Friendly Societies Act 1974 (c. 46)	Section 102.
The Treatment of Offenders (Northern Ireland) Order 1976 (NI 4)	In Article 5(1)(b) the words from "having jurisdiction in the county court division" to "was convicted". In Article 5(2)(b) the words "acting for the same county court division as that court".
The Criminal Damage (Compensation) (Northern Ireland) Order 1977 (NI 14)	Article 2(3).
The Rates (Northern Ireland) Order 1977 (NI 28)	In Article 32(3) the words from "having jurisdiction" to the end.
The Judicature (Northern Ireland) Act 1978 (c. 23)	Section 103. In section 120(1)— (a) in the definition of "county court" the words "for a division"; (b) in the definition of "division" the words in brackets. In Schedule 6, paragraph 8.
The Interpretation Act 1978 (c. 30)	In Schedule 1, in paragraph (b) of the definition of "county court" the words "for a division".
The Matrimonial Causes (Northern Ireland) Order 1978 (NI 15)	In Article 2(2) the definition of "divorce county court". In Article 35(4) the words from "and, accordingly" to the end. In Article 37(3) the words from "and at least" to "for which the court acts". In Article 38(1) the words from "and, accordingly" to the end.

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	In Article 40(3) the words from "and, accordingly" to the end. In Article 48— (a) paragraphs (1A), (1B) and (2); (b) in paragraph (3) the words "If an order is made under paragraph (1),"; (c) in paragraphs (3)(a) and (c) the word "divorce" (wherever occurring); (d) in paragraph (4) the words "divorce" and "which is exercisable by county courts generally"; (e) in paragraph (5) the words "If an order is made under paragraph (1)," and "divorce" (wherever occurring); (f) in paragraph (8) the word "divorce"; (g) in paragraph (9) the word "divorce".
The Protection of Children (Northern Ireland) Order 1978 (NI 17)	In Article 4(1) the words "in the petty sessions district for which he acts". In the Schedule in paragraph 12 the words from "for the petty sessions district" to the end.
The Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979 (NI 8)	In Article 2(2) the definitions of "civil partnership proceedings county court" and "divorce county court". In Article 17(1) the word "divorce" in the second place where it occurs. In Article 17ZA the words "civil partnership proceedings".
The Administration of Estates (Northern Ireland) Order 1979 (NI 14)	In Article 12(1) the words "for the division in which the deceased, at the time of his death, had a fixed place of abode".
The County Courts (Northern Ireland) Order 1980 (NI 3)	In Article 2(2), in the definition of "court" the words "for a division".

	In Article 2(2) in the definition of "the Office" the words "for the division in which those proceedings are taken". In Article 3 in the heading the words "**to be held for divisions**". Article 3(1). Article 4(d). Article 6(2). Article 8(5) to (8). Article 10(3) and (3A). Article 25(2). In Article 63(1)(a) the words "having jurisdiction in the county court division in which the county court sat". In Article 63(7) the words "for the county court division in which the recognisance was taken".
The Domestic Proceedings (Northern Ireland) Order 1980 (NI 15)	In Article 29 the words "acting for the same petty sessions district as the first-mentioned court". In Article 30— (a) in paragraph (1) the word "divorce"; (b) in paragraph (2) the words "(whether or not it is a divorce county court)"; (c) paragraph (3). In Article 32(1)— (a) the words "and without prejudice to Article 77(3) of the Magistrates' Court (Northern Ireland) Order 1981"; (b) the words from "if at the date of the making of the order" to the end.

	In Article 34(1) the words "acting for the same petty sessions district as that court".
The Betting and Gaming Duties Act 1981 (c. 63)	In Schedule 1 in paragraph 15(5) the words "situated in the same petty sessions district as those premises".
The Road Traffic (Northern Ireland) Order 1981 (NI 1)	In Article 7(1) the words "acting for the petty sessions district in which he resides".
	In Article 16(1) the words "acting for the petty sessions district in which he resides".
	In Article 76(1) the words "acting for the petty sessions district in which the holder of or applicant for the licence resides".
	In Article 79A(5) the words "acting for the petty sessions district in which he resides".
The Judgments Enforcement (Northern Ireland) Order 1981 (NI 6)	In Article 2(2) the definition of "appropriate county court".
	In Article 6(c) the words "divorce" and "civil partnership proceedings".
	In Articles 52(1) and (3) the word "appropriate".
	In Article 98(a)(ii) the words "divorce" and "civil partnership proceedings".
	In Article 107(1)(c) the words "divorce" and "civil partnership proceedings".
	In Article 110(c) the word "appropriate".
The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8)	In Article 28(4)(a) the words "for the relevant petty sessions district".
	In Article 30(1) the words "acting for the same petty sessions district" and "acting for that district".

	In Article 30(2)(b) the words “for the relevant petty sessions district”. In Article 39 the definition of “relevant petty sessions district”.
The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)	In Article 2(3) the definitions of “chief clerk” and “county court division”. Article 4. Article 17. In Article 18(4)(b) the words “sitting for the petty sessions district for which the resident magistrate or lay magistrate acted”. In Article 32(1)(a) the words “for the district in which the preliminary inquiry is to be held”. Article 36. In Article 47(1)(a) the words “for the county court division for which the court is acting or before any other magistrates' court having jurisdiction to conduct the proceedings”. In Article 52 the words from “acting for the same petty sessions district” to the end. In Article 72(1) and (2) the words from “acting for the petty sessions district” to the end. Article 75(3). Article 77(3). In Article 79 the words “for a county court division” and “sitting for that county court division”. In Article 85(4) the words from “of the petty sessions district” to the end. In Article 85A—

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(a) in paragraphs (1), (2) and (3) the words "of the relevant court";
(b) in paragraph (4)(a) the words "of a relevant court";
(c) in paragraph (7) the definition of "the relevant court".

In Article 85B—
(a) in paragraph (1) the words "for the county court division which includes the petty sessions district for which the relevant court is acting";
(b) in paragraph (5) the definition of "the relevant court".

In Article 96(1) the words "in a petty sessions district" and "acting for that district".

In Article 98(1)(a) the words "acting for the same petty sessions district as the court which made the order".

In Article 98(1)(b) the words from "acting for the same petty sessions district" to the end.

In Article 99 (enforcement: other payments)—
(a) in paragraph (1)(a) the words "acting for the same petty sessions district as the court which made the order";
(b) in paragraph (1)(b) the words from "acting for the same petty sessions district" to the end.

In Article 112—
(a) in paragraph (3)(a) the words "acting for the same petty sessions district as the court which made the order";
(b) in paragraph (3)(b) the words from "acting for the same petty sessions district" to the end;
(c) paragraph (7).

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	In Article 113(7) the words from "sitting for" to the end. In Article 127(3) the words from "where the person" to the end. In Article 128(1) the words from "having jurisdiction either—" to the end of sub-paragraph (b). In Article 144— (a) in paragraph (2A) the words "having jurisdiction in the county court division in which the magistrates' court sat"; (b) in paragraph (3) the words "having jurisdiction in the county court division in which the magistrates' court sat". In Article 148(1) the words "having jurisdiction in the petty sessions district for which the court acted". In Article 149(1) the words "having jurisdiction in the petty sessions district for which that court acted". In Article 151(1) the words from "acting for the same petty sessions district" to "case was stated".
The Civil Jurisdiction and Judgments Act 1982 (c. 27)	Section 15(3). In section 36(4)(b), in the substituted section 13(5A)(a) the words from " and as if " to the end.
The Criminal Justice Act 1982 (c. 48)	In Schedule 13 in paragraph 7(2)(a) the words "acting for a petty sessions district in Northern Ireland for the time being specified in it". In Schedule 13 in paragraph 8(2)(a) the words "acting for a petty sessions district in Northern Ireland for the time being specified in it".

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The Probation Board (Northern Ireland) Order 1982 (NI 10)	In Article 5(1)(a) the words "and assign one or more to each petty sessions district or districts". In Article 5(1)(b) the words "in any petty sessions district".
The Video Recordings Act 1984 (c. 39)	Section 16D.
The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (NI 11)	Article 26(3). In Article 174(3)(a) the words "by him". Article 174(4). Article 175(3). In Article 177(b) the words "having premises within that district". In Article 178(1) the words "kept by him". In Article 179(2) the words from "for the petty sessions district in which" to "club is registered". In Schedule 1, paragraph 1. In Schedule 3 in paragraph 2(1) the words "for the petty sessions district".
The Credit Unions (Northern Ireland) Order 1985 (NI 12)	In Article 70(6)(a) the words "for the division in which the registered office of the credit union is situated".
The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (NI 15)	In Schedule 1 in paragraph 13(1) the words "for the county court division in which the place is situated". In Schedule 2 in paragraph 26(1) the words "for the relevant county court division". In Schedule 2, in paragraph 26(4) the definition of "the relevant county court division".
The Mental Health (Northern Ireland) Order 1986 (NI 4)	In Schedule 2A, paragraph 3(4).

	In Schedule 2A in paragraph 7(3) the words "or, as the case may be, district" and "or district". In Schedule 2A in paragraph 8(1) the words "for the petty sessions district concerned". In Schedule 2A in paragraph 9(1) the words "for the petty sessions district concerned".
The Adoption (Northern Ireland) Order 1987 (NI 22)	In Article 2(2) in the definition of "authorised court" in paragraph (b)(ii) the words "within whose division the applicant lives".
The Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (NI 4)	Article 40(1)(a).
The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)	In Article 18(10A)(a) the words "for the petty sessions district in which the magistrate was acting when he issued the warrant".
The Criminal Justice Act 1991 (c. 53)	In Schedule 3 in paragraph 10(2)(a) the words "acting for the petty sessions district in Northern Ireland for the time being specified in the order".
The Road Traffic (Amendment) (Northern Ireland) Order 1991 (NI 3)	In Schedule 2 in paragraph 6(1) the words "acting for the petty sessions district in which the holder of the licence resides".
The Friendly Societies Act 1992 (c. 40)	Section 110.
The Tourism (Northern Ireland) Order 1992 (NI 3)	In Article 19(1) the words "for the county court division in which that establishment is situated".
The Disability Discrimination Act 1995 (c. 50)	Section 38(3). In Schedule 8, paragraph 22(3).
The Children (Northern Ireland) Order 1995 (NI 2)	In Article 166— (a) in paragraph (2)(b) the words "a divorce county court";

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	(b) in paragraph (2)(c) the words "a civil partnership proceedings county court"; (c) in paragraph (4), sub-paragraph (a), the word "such" in sub-paragraph (b) and the words after sub-paragraph (b). In Schedule 1 in paragraph 12(6) the words from "and at least one of the parties" to "for which the court sits". In Schedule 7, paragraphs 1(1)(c) and 4(4) and (7).
The Road Traffic (Northern Ireland) Order 1995 (NI 18)	In Schedule 1— (a) in paragraph 1(1) the words "for the county court division in which the proceedings are brought"; (b) paragraph 4(3).
The Criminal Procedure and Investigations Act 1996 (c. 25)	Section 76. In Schedule 4, paragraph 33.
The Juries (Northern Ireland) Order 1996 (NI 6)	In Article 4(8) the words "whether by reference to the area of jurisdiction of any court or courts or otherwise". In Article 4(10) the words "whether by reference to the area of jurisdiction of any court or courts or otherwise".
The Road Traffic (Offenders) (Northern Ireland) Order 1996 (NI 10)	In Article 2(2) the definition of "petty sessions district". Article 36(6). In Article 38(2) in the definition of "supervising court" the words from "acting for" to the end. In Article 65(3) the words from "of the county court division" to "is situated". In Article 75(3) the words from "for such petty sessions district" to the end.

The Licensing (Northern Ireland) Order 1996 (NI 22)	In Article 5(4) the words "by the clerk of petty sessions for the petty sessions district in which the premises are situated". In Article 29(3) the words from "for the petty sessions district" to the end. In Article 30(1) the words from "sitting in the county court division" to "includes that place". In Article 31(1)(d)(ii) the words "for the petty sessions district in which the premises are situated". Article 34(1)(i). Article 34(3). In Article 37(1) the words "kept by him". In Articles 69C(1)(a), 69D(1)(b), 69E and 69F(1), (2) and (4) the word "relevant". In Article 69J(4) the definition of "relevant court of summary jurisdiction". In Schedule 3, paragraph 4(3). In Schedule 4 in paragraph 3 the words "for the petty sessions district in which the premises are situated".
The Registration of Clubs (Northern Ireland) Order 1996 (NI 23)	Article 12(3). Article 16(3) and (4). In Article 19(1) the words "kept by him". In Article 41(1)(a) the words "for the petty sessions district in which the premises of the registered club are situated". In Articles 41C(1)(a), 41D(1)(b), 41E and 41F(1), (2), (3) and (4) the word "relevant".

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	In Article 41J(3) the definition of "relevant court of summary jurisdiction". In Schedule 3, in paragraph 3(b) the words "for the petty sessions district in which the premises of the club are situated".
The Criminal Justice (Northern Ireland) Order 1996 (NI 24)	Article 10(2) and (5). In Article 13— (a) in paragraph (6) the words from the beginning to "will reside; and"; (b) in paragraph (8) the words from "and the court shall" to the end. In Article 27— (a) in paragraph (2) the words "acting for the petty sessions district in which he resides"; (b) in paragraph (9)(b) the words "acting for the petty sessions district in which the offender resides"; (c) paragraphs (10) and (11). In Schedule 2— (a) in paragraph 1(1) the definition of "the petty sessions district concerned"; (b) in paragraph 2(2)(b)(ii) the words "acting for the petty sessions district concerned"; (c) in paragraph 2(3) the words "having jurisdiction in the place where he is arrested"; (d) in paragraph 7(1) the words "acting for the petty sessions district concerned"; (e) in paragraph 9(1)(a)(i) the words "other than a court acting for the petty sessions district concerned"; (f) paragraph 12;

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	(g) in paragraph 14(1) the words "for the petty sessions district concerned"; (h) in paragraph 15(b) the words "acting for the petty sessions district concerned"; (i) in paragraph 17(2) the words from "or substituting a new petty sessions district" to the end.
The Race Relations (Northern Ireland) Order 1997 (NI 6)	In Article 54(8) the words "outside its division".
The Family Homes and Domestic Violence (Northern Ireland) Order 1998 (NI 6)	Article 34(3)(c) and(9). In Article 39— (a) in paragraph (2)(b) the words "a divorce county court"; (b) in paragraph (2)(c) the words "a civil partnership proceedings county court"; (c) in paragraph (4) sub-paragraph (a), the word "such" in sub-paragraph (b) and the words from "and except" to the end; (d) in paragraph (6) the words "a divorce county court" and "a civil partnership proceedings county court".
The Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9)	In Article 11(1)(a) the words "assigned to the petty sessions district in which the court will sit". In Article 31— (a) in paragraph (1) the words "acting for the same petty sessions district"; (b) in paragraph (3) the words from "acting for the same petty sessions district" to "county court division". Article 36B(3). In Article 36ZC—

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	(a) in paragraph (4) the words "which has made a parental compensation order"; (b) paragraph (7). Article 36D(1), (3) and (5). Article 36F(3). Article 36I(1), (2) and (4). Article 36K(5) and (7). In Article 38(2)(i) the words "for the petty sessions district in which that child resides or in which the attendance centre specified in the order is situated". In Schedule 1A— (a) in paragraph 1(2) the words from "acting for the petty sessions district" to the end; (b) paragraph 5(6)(c); (c) paragraph 7(3); (d) paragraph 8(8)(d).
The Criminal Justice (Northern Ireland) Order 1998 (NI 20)	In Article 9— (a) paragraph (6); (b) paragraph (9)(b) and the word "or" immediately before it; (c) paragraph (10).
The Fair Employment and Treatment (Northern Ireland) Order 1998 (NI 21)	In Article 40(8) the words "outside its division".
The Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2)	In Schedule 4, paragraph 3(3).
The Company Directors Disqualification (Northern Ireland) Order 2002 (NI 4)	In Article 5(2)(c) the words "acting for the same petty sessions district". In Article 8(2) the words "acting for the same petty sessions district".
The Justice (Northern Ireland) Act 2002 (c. 26)	Section 9. In section 90(1A) ", 9(4)". In Schedule 4, paragraph 17.

The Finance Act 2003 (c. 14)	In Schedule 12 in paragraph 5(3)(a) the words "for a division".
The Crime (International Co-operation) Act 2003 (c. 32)	In section 59(2)(c) the words "acting for the petty sessions district in which the applicant resides".
The Sexual Offences Act 2003 (c. 42)	Section 125(7).
	In section 136(5) the words "subject to subsection (6)".
	Section 136(6) and (7).
The Civil Partnership Act 2004 (c. 33)	Section 188 (4) to (6) and (9).
	In section 188(8) the words "civil partnership proceedings" and "which is exercisable by county courts generally".
	In section 189(1)(a) and (b) the words "civil partnership proceedings"
	In Schedule 15 paragraph 63(1)(b) and the word "and" immediately before it.
	In Schedule 16 in paragraph 8(3) the words from "acting for the same petty sessions district" to the end.
	In Schedule 29, paragraphs 50 and 94(4).
The Criminal Justice (Northern Ireland) Order 2004 (NI 9)	Article 10(4)(b) and (c) and (5).
The Criminal Justice (Evidence) (Northern Ireland) Order 2004 (NI 10)	Article 40(4).
The Anti-Social Behaviour (Northern Ireland) Order 2004 (NI 15)	In Article 3(2) the words "for the county court division in which it is alleged that the harassment, alarm or distress was caused or was likely to be caused".
	In Article 6B(14)(a) the words "acting for the same county court division as that court".

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The Constitutional Reform Act 2005 (c. 4)	In Schedule 5, paragraphs 36, 50, 63(2) and 117.
The Serious Organised Crime and Police Act 2005 (c. 15)	In section 80(4) the words "(or in Northern Ireland for the same county court division)".
The Forced Marriage (Civil Protection) Act 2007 (c. 20)	In Schedule 1, in paragraph 11 the words "a divorce county court".
The Road Traffic (Northern Ireland) Order 2007 (NI 10)	In Article 10(3), in the inserted Article 32B(5) of the Offenders Order, the words "or (if the supervising court is not the Crown Court or the relevant local court) to either the supervising court or the relevant local court". In Article 10(3), in the inserted Article 32B(7) of the Offenders Order, the words "or (if the supervising court is not the Crown Court or the relevant local court) to either the supervising court or the relevant local court". In Article 10(3), in the inserted Article 32E(3) of the Offenders Order— (a) in the definition of "proper officer" the words "for the petty sessions district for which the court acts"; (b) the definition of "relevant local court"; (c) in the definition of "supervising court" the words "acting in the same petty sessions district as the court which made the order". In Article 11(1), in the substituted Article 37(6) of the Offenders Order, the words " or (if the supervising court is not the Crown Court or the relevant local court) to either the supervising court or the relevant local court ".

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	In Article 11(1), in the substituted Article 37(8) of the Offenders Order, omit " or (if the supervising court is not the Crown Court or the relevant local court) to either the supervising court or the relevant local court ". In Article 11(1), in the substituted Article 38(3) of the Offenders Order— (a) in the definition of "proper officer" the words "for the petty sessions district for which the court acts"; (b) the definition of "relevant local court"; (c) in the definition of "supervising court" the words "acting in the same petty sessions district as the court which made the order". In Article 45, in the inserted Article 8A(3)(e) of the Order of 1981, the words "acting for the petty sessions district in which the person resides". In Article 60(12) the words "acting for the petty sessions district in which the person resides". In Article 64(5)(b) the words "acting for the petty sessions district in which the person resides".
The Criminal Justice and Immigration Act 2008 (c. 4)	In section 82(4)(b)(v) the words "in a petty sessions district". In section 87— (a) subsection (2); (b) in subsection (3) the word "Otherwise" and the words from "for such petty sessions district" to the end; (c) in subsection (4) the words "(2) or"; (d) subsection (5). In section 88—

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	(a) in subsection (1) the words "for a petty sessions district"; (b) in subsection (2) the words "acting for the petty sessions district".
The Human Fertilisation and Embryology Act 2008 (c. 22)	In section 54(9)(c) the words "within whose division the child is".
The Counter-Terrorism Act 2008 (c. 28)	In Schedule 5 in paragraph 10(2) the words "for the petty sessions district which includes the area where the person subject to the order resides".
The Criminal Justice (Northern Ireland) Order 2008 (NI 1)	In Article 60(1), in the inserted Article 38B(5) of the Offenders Order, the words "or (if the supervising court is not the Crown Court or the relevant local court) to either the supervising court or the relevant local court". In Article 60(1), in the inserted Article 38E(3) of the Offenders Order— (a) in the definition of "proper officer" the words "for the petty sessions district for which the court acts"; (b) the definition of "relevant local court"; (c) in the definition of "supervising court" the words "acting for the same petty sessions district as the court which made the order". In Article 61(4)(b) the words "acting for a petty sessions district". Article 92. In Schedule 3— (a) paragraph 2(1); (b) paragraph 3(4); (c) in paragraph 5(2) the words "having jurisdiction in the place where the offender is arrested"; (d) paragraph 6(2);

	(e) paragraph 6(5); (f) in paragraph 8(1)(b) the words from "having jurisdiction" to the end.
The Northern Ireland Act 2009 (c. 3)	In Schedule 4, paragraphs 17 and 33.
The Marine and Coastal Access Act 2009 (c. 23)	In Schedule 17 in paragraph 10(2)(b) the words "for the petty sessions district in which the dwelling is situated".
The Coroners and Justice Act 2009 (c. 25)	In section 77(6) the words "for the petty sessions district in which the application for an investigation anonymity order is made". In section 79(6)(b) the words "of the county court division in which the appeal is made".
The Caravans Act (Northern Ireland) 2011 (c. 12)	In section 6(1) the words "for the county court division in which the protected site is situated". In section 10(1) the words "for the county court division in which the caravan site is situated".
The Welfare of Animals Act (Northern Ireland) 2011 (c. 16)	In Schedule 3 in paragraph 3(9) the words from "for the petty sessions district" to the end.
The Justice Act (Northern Ireland) 2011 (c. 24)	In section 46(3) the words "acting for the same county court division as that court". In section 47(6) the words "acting for the same county court division as that court". Section 54. Section 91(4).
The Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)	In Schedule 11, paragraph 71(5).
The Serious Crime Act 2015 (c. 9)	In Schedule 2, in paragraph 11(2)(c) the words "for the petty sessions district in which the lay magistrate

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	was acting when he or she issued the warrant".
The Justice Act (Northern Ireland) 2015 (c.)	In section 93— (a) in subsection (1) the words "for any county court division" and "in respect of which a magistrates' court for that county court division has jurisdiction to hear a charge"; (b) subsection (2).

PROSPECTIVE

[F10]PART 2

RESTRICTION ON HOLDING PRELIMINARY INVESTIGATIONS AND MIXED COMMITTALS

Textual Amendments

F10 Sch. 9 Pt. 2 repealed (17.10.2022) by Criminal Justice (Committal Reform) Act (Northern Ireland) 2022 (c. 4), s. 5(2), **Sch. para. 18(d)**; S.R. 2022/221, art. 2(d)

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PROSPECTIVE

PART 3

CRIMINAL RECORDS

Short Title	Extent of Repeal
The Police Act 1997 (c. 50)	Section 113A(4). In section 113B— (a) in subsection (4) the words "in the chief officer's opinion"; (b) subsections (5) and (6); (c) in subsection (9) the definition of "relevant police force".

	In section 119B— (a) subsection (5)(a); and (b) in subsection (5)(c) the words from "or disclosed" to the end.
	In section 120(2) paragraph (c) and the word "and" immediately before it.
	Section 122(3A)(a).
	In section 124— (a) in subsection (4)(b) the words "5 or"; (b) subsection (5).
	In section 124A(1)(c) the words "or registered person".
The Safeguarding Vulnerable Groups Act 2006 (c. 47)	In Schedule 9, paragraph 14(5) and (6).
The Justice Act (Northern Ireland) 2011 (c. 24)	Section 101.

VALID FROM 29/04/2016

PART 4

LIVE LINKS

Short Title	Extent of Repeal
The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)	Article 80A.
The Criminal Justice (Northern Ireland) Order 2003 (NI 13)	Article 31.
The Constitutional Reform Act 2005 (c. 4)	In Schedule 5, paragraph 78.
The Criminal Justice (Northern Ireland) Order 2005 (NI 15)	Article 24.
The Criminal Justice (Northern Ireland) Order 2008 (NI 1)	In Article 79(3)(a) the words "or detained in a hospital under Part 3 of

	the Mental Health (Northern Ireland) Order 1986”.
The Justice Act (Northern Ireland) 2011 (c. 24)	Section 14. In section 16(11)(a) the words “or detained in a hospital under Part 3 of the Mental Health (Northern Ireland) Order 1986”. In section 17(11)(a) the words “or detained in a hospital under Part 3 of the Mental Health (Northern Ireland) Order 1986”.

PROSPECTIVE

PART 5

JURY SERVICE

Short Title	Extent of Repeal
The Juries (Northern Ireland) Order 1996 (NI 6)	Article 2(3). Article 4(2)(b)(i). In Schedule 2, the entries relating to a person appointed for the purposes of Article 7(6) of the Treatment of Offenders (Northern Ireland) Order 1976 and to members of the Royal Irish Regiment.
The European Parliamentary Elections Act 2002 (c. 24)	In Schedule 3, paragraph 3.

PART 6

YOUTH JUSTICE

Short Title	Extent of Repeal

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The Criminal Justice Act (Northern Ireland) 2013 (c. 7)	Section 10(5).

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