

*These notes refer to the Justice Act (Northern Ireland)
2016 (c.21) which received Royal Assent on 12 May 2016*

Justice Act (Northern Ireland) 2016

EXPLANATORY NOTES

OVERVIEW OF THE ACT

Miscellaneous

20. Part 3 of the Act provides for a number of individual improvements to sentencing and procedural arrangements across several discrete policy areas. For *Animal welfare*, provisions amend the Welfare of Animals Act (Northern Ireland) 2011 to increase the maximum penalties; amend the mode of trial for certain offences; and extend the post-conviction powers available to courts.
21. For *Lay visiting*, statutory provisions for lay visiting arrangements at Northern Ireland's police stations are extended to include non-designated police stations, with the effect that all police stations will be subject to the statutory scheme.
22. For *Pornographic or other sexual images*, the scope of the existing offence of possession of extreme pornographic images is extended to include the possession of extreme images of rape or other non-consensual acts; and a new offence of disclosing private sexual photographs and films with intent to cause distress, also commonly known as 'revenge pornography', is created.
23. For *Assaulting ambulance workers etc*, a new offence of assaulting an ambulance worker in the execution of their duty or a person who is assisting an ambulance worker in the execution of that ambulance worker's duty is created.
24. For *Early removal of prisoners*, an Early Removal Scheme is created that will apply to certain categories of Foreign National Prisoners (FNPs) in two circumstances: those whom the sentencing court has determined should be deported to their country of origin on completion of their sentence; and those whom the Home Office has determined to have breached the conditions of their leave to enter or remain in the UK because of their conviction. Removal from the United Kingdom will be the responsibility of Immigration Enforcement which is part of the Home Office
25. The scheme will allow the Department of Justice, with the prisoner's permission, to facilitate removal from prison, for the purposes of removal from the United Kingdom at any time up to 135 days before the end of the custodial part of their sentence. For a prisoner to qualify they must be serving a determinate sentence of at least 6 months and they must have served at least one-half of the requisite custodial period. Those serving extended custodial

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sentences, indeterminate custodial sentences or life sentences are excluded from the terms of the scheme. Prisoners so removed will not be subject to any licence conditions or any other forms of management or control once removal has been effected.

26. If a prisoner so removed returns to Northern Ireland before their sentence expiry date they will be liable to arrest and return to custody. They will be detained in custody until either they have served a period equal in length to their outstanding custodial period (counted from the day they were removed) or until their sentence expiry date, whichever is earlier. At present Irish nationals do not qualify for any UK prisoner early removal schemes.
27. For *Direct committal for trial*, a provision closes a potential lacuna in Section 9 of the Justice Act (Northern Ireland) 2015 to ensure that those powers operate as intended.
28. For *Firearms*, a number of amendments are made to the Firearms (Northern Ireland) Order 2004 to introduce a reduction in the age at which young people can use a shotgun under supervision for clay target shooting; the introduction of a banded system for the exchange of rifles by a firearms dealer; and for the variation of a firearm certificate by a firearms dealer. The provisions also recognise the reciprocal acceptance of firearm certificates issued in Great Britain; and set out a number of new fees to accompany the range of changes.
29. Finally, under *Costs*, a provision enables the Department, by order, to fix fees to be taken by the Accountant General for the recovery of the costs of administering funds in court.