

## SCHEDULES

### SCHEDULE 1

Article 36(1)

#### AMENDMENTS

##### *Offences against the Person Act 1861 (c. 100)*

1. In section 61 (sodomy and bestiality), for the words from “either with mankind or” to the end there shall be substituted the words “with an animal, shall be liable to imprisonment for life”.
2. In section 62 (attempt to commit certain crimes) for the words from “said” to the end there shall be substituted the words “crime of buggery with an animal shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding ten years”.

##### *Prison Act (Northern Ireland) 1953 (c. 18)*

3. In section 26(d) (persons on bail), after “bail” insert “granted under section 67 of the Terrorism Act 2000”.

##### *Attempted Rape, etc., Act (Northern Ireland) 1960 (c. 3)*

4. In section 2 (assault with intent to commit rape), for “female” substitute “person”.

##### *Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)*

5. In section 5 (remand)—
  - (a) in subsection (1), for paragraph (b) and the words following that paragraph substitute—
    - “(b) remand him on bail, that is to say, direct him to surrender himself into the custody of the officer in charge of a specified police station at the time to be appointed by that officer and notified in writing to the person so remanded.”;
  - (b) in subsection (2), for the words from the beginning to “so served” substitute “The time to be appointed for the purposes of subsection (1) above by the officer and notified to the person so remanded”;
  - (c) in subsection (3), for the words from “release” to the end substitute “grant him bail subject to a duty to surrender himself into the custody of the officer in charge of the station specified under subsection (1) above at the time appointed by that officer and notified in writing to him; and subsection (2) above shall apply to the appointment of a time for the purposes of this subsection as it applies to the appointment of a time for the purposes of subsection (1) above”;
  - (d) in subsection (4) for the words “in the recognizance” substitute “under subsection (1) above” and for “release him” substitute “grant him bail”.

##### *Children and Young Persons Act (Northern Ireland) 1968 (c. 34)*

6. In Schedule 1 (offences against children)—

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- (a) in the entry beginning “Any offence under section 27”, for “52, 61 or 62” substitute “or 52”;
- (b) in the entry beginning “Any attempt to commit” omit “section 61 or 62 of the Offences against the Person Act 1861,”;
- (c) at the end add the following entry—
  - “Any offence against a child or young person under Article 19, 20 or 21 of the Criminal Justice (Northern Ireland) Order 2003 or any attempt to commit such an offence.”.

*Theft Act (Northern Ireland) 1969 (c. 16)*

- 7. In section 9(2) (burglary), for “woman” substitute “person”.

*Protection of Children (Northern Ireland) Order 1978 (NI 17)*

- 8. In Article 3 (indecent photographs of children), in paragraph (1)(a), for “to make” substitute “makes”.

*Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)*

- 9. In Schedule 2 (indictable offences which may be dealt with summarily upon the consent of the accused), add at the end the following paragraph—
  - “23. Offences under Article 21 of the Criminal Justice (Northern Ireland) Order 2003 (indecent assault on a male).”.

*Homosexual Offences (Northern Ireland) Order 1982 (NI 19)*

- 10. In Article 11(1) (restriction on prosecutions), for “21” substitute “17”.

*Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)*

- 11. In Part I of Schedule 5 (serious arrestable offences), for paragraph 7 substitute the following paragraph—
  - “7. Buggery with a person under the age of 16.”.

*Sexual Offences (Amendment) Act 1992 (c. 34)*

- 12. In section 2(3) (offences to which Act applies)—
  - (a) after paragraph (h) insert the following paragraph—
    - “(hh) any offence under any of the following provisions of the Criminal Justice (Northern Ireland) Order 2003—
      - (i) Article 19 (buggery);
      - (ii) Article 20 (assault with intent to commit buggery);
      - (iii) Article 21 (indecent assault on a male);”;
  - (b) in paragraph (i), for “(h)” substitute “(hh)”.
- 13. In section 4(8)(d) (special rules for cases of incest or buggery), for “section 61 of the Offences against the Person Act 1861” substitute “Article 19 of the Criminal Justice (Northern Ireland) Order 2003”.

14. In section 6(2A) (victims of conspiracy, etc.)—
- (a) in paragraph (a), for “(h)” substitute “(hh)”;
  - (b) in paragraph (b), for “(h)” substitute “(hh)”.

*Vehicle Excise and Registration Act 1994 (c. 22)*

15. In section 32(1)(c) (person treated as convicted if discharged absolutely or conditionally or placed on probation)—
- (a) for “Probation Act (Northern Ireland) 1950” substitute “Article 4 of the Criminal Justice (Northern Ireland) Order 1996”;
  - (b) the words “or placing him on probation” shall cease to have effect.

*Criminal Procedure and Investigations Act 1996 (c. 25)*

16. In section 1(2) (as set out in paragraph 4 of Schedule 4), at the end of paragraph (e) add—
- “or
- (f) an indictment charging a person with an indictable offence is presented under Article 16(4)(a) of the Criminal Justice (Northern Ireland) Order 2003”.

*Sexual Offences (Conspiracy and Incitement) Act 1996 (c. 29)*

17. In the Schedule (listed sexual offences), in paragraph 2—
- (a) in sub-paragraph (1), after paragraph (d) add the following paragraph—
    - “(e) an offence under Article 21 of the Criminal Justice (Northern Ireland) Order 2003 (indecent assault on a male)”;
  - (b) in sub-paragraph (2), for “and (c)(ii)” substitute “, (c)(ii) and (d)”.

*Industrial Tribunals (Northern Ireland) Order 1996 (NI 18)*

18. In Article 13 (restriction of publicity in cases involving sexual misconduct), in paragraph (b) of the definition of “sexual offence” in paragraph (4)—
- (a) in sub-paragraph (i) “61 or 62” shall cease to have effect;
  - (b) after sub-paragraph (vi) insert the following sub-paragraph—
    - “(vii) Article 19, 20 or 21 of the Criminal Justice (Northern Ireland) Order 2003”.

*Criminal Justice (Northern Ireland) Order 1996 (NI 24)*

19. In Article 2(2) (interpretation), in the definition of “sexual offence”, for the words from “has the same meaning” onwards there shall be substituted—
- “means any of the following—
- (a) a sexual offence within the meaning of Schedule 1 to the Criminal Justice (Children) (Northern Ireland) Order 1998;
  - (b) an offence under section 3 of the Sexual Offences (Amendment) Act 2000;
  - (c) an offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit any of the offences in paragraph (a) or (b);
  - (d) an offence under Article 9 of that Order of conspiracy to commit any of those offences;

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- (e) an offence of inciting another to commit any of those offences;”.

*Sex Offenders Act 1997 (c. 51)*

**20.** In Schedule 1 (sexual offences to which Part I applies), in paragraph 3—

- (a) in sub-paragraph (1) at the end of paragraph (k) add

“and

- (l) offences under the following provisions of the Criminal Justice (Northern Ireland) Order 2003—

- (i) Article 19 (buggery);  
(ii) Article 20 (assault with intent to commit buggery); and  
(iii) Article 21 (indecent assault on a man)”;

- (b) in sub-paragraph (2)—

- (i) in paragraph (a), for “and (k)” substitute “(k) and (l)(i)”;  
(ii) in paragraph (b), for “and (e)” substitute “, (e) and (1)”;

- (c) in sub-paragraph (3), for “(b)(iii) above so far as relating” substitute “(l)(iii) above or (b)(iii) above so far as it related”.

**21.** In Schedule 2 (sexual offences to which section 7 applies), in paragraph 2—

- (a) in sub-paragraph (1)—

- (i) at the end of paragraph (d) “and” shall cease to have effect;  
(ii) at the end of paragraph (e) add

“and

- (f) offences under—

- (i) Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (buggery);  
(ii) Article 20 of that Order (assault with intent to commit buggery);  
and  
(iii) Article 21 of that Order (indecent assault on a boy)”;

- (b) in sub-paragraph (2), for “and (c)(ii)” substitute “(c)(ii) and (f)”.

*Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9)*

**22.** In Schedule 1 (definitions of “sexual offence” etc.), in paragraph 1, after sub-paragraph (k) add the following sub-paragraph—

- “(l) Articles 19, 20 and 21 of the Criminal Justice (Northern Ireland) Order 2003”.

*Youth Justice and Criminal Evidence Act 1999 (c. 23)*

**23.** In section 44 (restrictions on reporting alleged offences involving persons under 18)—

- (a) in subsection (11) after the words “Crown Court” in both places where they occur insert “, or in Northern Ireland a county court,”;  
(b) in subsection (12) after the words “Crown Court” insert “or in Northern Ireland a county court”.

*Criminal Evidence (Northern Ireland) Order 1999 (NI 8)*

24. In Article 3(1) (meaning of “sexual offence”)—

(a) heads (iii) and (iv) of sub-paragraph (b) shall cease to have effect;

(b) after sub-paragraph (g) add the following sub-paragraph—

“(gg) any offence under the following provisions of the Criminal Justice (Northern Ireland) Order 2003—

(i) Article 19 (buggery);

(ii) Article 20 (assault with intent to commit buggery);

(iii) Article 21 (indecent assault on a male).”.

25. In Article 23 (protection of child complainants and other child witnesses), in paragraph (3) (c) for “section 1 or 2 of the Child Abduction Act 1984” substitute “Article 3 or 4 of the Child Abduction (Northern Ireland) Order 1985”.

SCHEDULE 2

Article 36(2)

REPEALS

Short Title	Extent of repeal
Backing of Warrants (Republic of Ireland) Act 1965 (c. 45).	In section 5(4) the words “, in breach of a recognizance taken from him under this section,” and “, without prejudice to the enforcement of the recognizance,”.
Costs in Criminal Cases Act (Northern Ireland) 1968 (c. 10).	In section 1(3) the words from the beginning to “subsection (1) and,”.
Sexual Offences (Northern Ireland) Order 1978 (NI 5).	Article 2(2) to (4).  Article 3.
Magistrates' Courts (Northern Ireland) Order 1981 (NI 26).	In Article 24(1) the words from “that is to say” to the end.  In Article 47 in paragraph (2) the words “paragraph (3) and”, paragraph (3) and in paragraph (4) the words “or, as the case may be, paragraph (3)”.
Homosexual Offences (Northern Ireland) Order 1982 (NI 19).	In Schedule 2, paragraph 5(c).  In Article 2(2) the definition of “the Act of 1861”.  Article 6.
Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (NI 13).	In the Schedule, paragraphs 1 and 2.  In Article 5(3), sub-paragraph (a).

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Short Title	Extent of repeal
Public Order (Northern Ireland) Order 1987 (NI 7).	In Article 18(1)(a) the words “riotous or”.
Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)	In Article 39(1)(a)(ii) the words “for his own protection or” and the word “or” where it last occurs.
Vehicle Excise and Registration Act 1994 (c. 22).	In Article 48(6) the words “(with or without entering into a recognisance)”.
Criminal Justice (Northern Ireland) Order 1994 (NI 15).	In section 32(1)(c) the words “or placing him on probation”.
Sexual Offences (Conspiracy and Incitement) Act 1996 (c. 29).	Article 18(2).
Industrial Tribunals (Northern Ireland) Order 1996 (NI 18).	In the Schedule, paragraph 2(1)(b)(iii) and the immediately preceding word “and”.
Criminal Justice (Northern Ireland) Order 1996 (NI 24).	In Article 13(4), in paragraph (b) of the definition of “sexual offence” the words “61 or 62”.
Sex Offenders Act 1997 (c. 51).	Articles 34 and 35.
Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9).	In Schedule 2, in paragraph 2(1)(d) the word “and”.
Criminal Evidence (Northern Ireland) Order 1999 (NI 8).	In Schedule 5, paragraph 51(c).
Terrorism Act 2000 (c. 11).	In Article 3(1)(b) heads (iii) and (iv).
	In section 69(2)(a) the words “and (3)”.