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STATUTORY INSTRUMENTS

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**2005 No. 1965**

**The Criminal Justice (Northern Ireland) Order 2005**

*Miscellaneous*

**Continuous bail**

**21.**—(1) In Article 48 of the [Magistrates' Courts \(Northern Ireland\) Order 1981 \(NI 26\)](#) for “the recognizance may be conditioned” substitute “any recognizance or condition of bail may provide”.

(2) In Article 48 of the [Police and Criminal Evidence \(Northern Ireland\) Order 1989 \(NI 12\)](#) after paragraph (1) insert—

“(1A) A person released on bail and subject to a duty to appear before a magistrates' court in accordance with paragraph (1)(a) shall be deemed for the purpose of Articles 48 and 49 of the Magistrates' Courts (Northern Ireland) Order 1981 to have been remanded on bail.”.

**Right to representation: extradition proceedings**

**22.** In Article 25 (2) of the [Access to Justice \(Northern Ireland\) Order 2003 \(NI 10\)](#) (right to representation) for sub-paragraph (c) substitute—

“(c) proceedings for dealing with an individual under Part I or II of the Extradition Act [2003 \(c. 41\)](#).”.

**Certain sexual offences to be arrestable offences**

**23.** In Article 26(2) of the [Police and Criminal Evidence \(Northern Ireland\) Order 1989 \(NI 12\)](#) (list of offences to which powers of summary arrest apply) at the end add—

“(p) an offence under any of the following provisions of the Sexual Offences Act 2003—

- (i) section 66 (exposure);
- (ii) section 67 (voyeurism);
- (iii) section 69 (intercourse with an animal);
- (iv) section 70 (sexual penetration of a corpse);
- (v) section 71 (sexual activity in public lavatory).”.

**Evidence through live links**

**24.**—(1) In Article 80A of the [Police and Criminal Evidence \(Northern Ireland\) Order 1989 \(NI 12\)](#) (evidence through live links)—

(a) in paragraph (3) after “a witness” insert “(other than the accused)”;

(b) after paragraph (8) add—

“(9) In this Article, “judge” includes, in relation to a magistrates' court, resident magistrate.”.

(2) In section 29 of the Crime (International Co-operation) Act 2003 (c. 32) (power to amend legislation relating to evidence through live links) for “Article 81(1A)” substitute “Article 80A(4)”.

### **Information for victims of crime**

**25.**—(1) The Secretary of State shall make a scheme requiring the Probation Board for Northern Ireland (“the Board”) to make available information about persons subject to supervision following conviction for offences to victims of the offences who wish to receive it.

(2) For the purposes of this Article a person is subject to supervision if (and only if) he is subject to supervision by a probation officer by virtue of—

- (a) a supervision and treatment order under Schedule 2A to the [Mental Health \(Northern Ireland\) Order 1986 \(NI 4\)](#);
- (b) a probation order under Article 10 of the [Criminal Justice \(Northern Ireland\) Order 1996 \(NI 24\)](#);
- (c) a community service order under Article 13 of that Order;
- (d) a combination order under Article 15 of that Order;
- (e) a custody probation order under Article 24 of that Order;
- (f) a licence under Article 26 of that Order;
- (g) a juvenile justice centre order under Article 39 of the [Criminal Justice \(Children\) \(Northern Ireland\) Order 1998 \(NI 9\)](#);

and, in relation to a person subject to supervision, references in this Article to the relevant order or relevant licence are to the order or licence by virtue of which the person is subject to supervision.

(3) The scheme—

- (a) must require that information is to be made available under the scheme about—
  - (i) the requirements or conditions of the relevant order or licence;
  - (ii) the length of the period of supervision;
  - (iii) the discharge, revocation or amendment of the relevant order or the variation or cancellation of the relevant licence;
  - (iv) any order made by a court in proceedings in which the court finds that there has been a failure by the person subject to supervision to comply with any requirement or condition of the relevant order or licence;
- (b) may require that other information relating to persons subject to supervision is to be made available under the scheme, in cases of a description specified by the scheme or in which the Board considers it appropriate.

(4) A scheme may provide that in circumstances of a description specified in the scheme, or in particular circumstances in which the Board considers it appropriate—

- (a) a person who is not the actual victim of the offence but was directly affected by it is to be regarded for the purposes of the scheme as a victim of the offence (as well as any actual victim);
- (b) a person other than the actual victim of an offence is to be regarded for the purposes of the scheme as a victim of the offence (instead of an actual victim).

(5) A scheme must specify how victims are to indicate that they wish to receive information under the scheme.

(6) The Board is not required to make information available under a scheme—

- (a) if it believes that to do so would adversely affect the well-being of the actual victim of an offence or a person who is regarded for the purposes of the scheme as being a victim of an offence by virtue of paragraph (4)(a),
- (b) if it believes that to do so would threaten the safety of any person, or
- (c) in other circumstances specified by the scheme.

(7) A scheme shall, unless a draft has been approved by a resolution of each House of Parliament, be subject to annulment in pursuance of a resolution of either House of Parliament in the same manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (c. 36) applies accordingly.

### **Consents to prosecution**

26. The [Prosecution of Offences \(Northern Ireland\) Order 1972 \(NI 1\)](#) shall have effect (and be deemed on and from 13th June 2005 to have had effect) as if paragraph 14 of Schedule 1 to the Justice (Northern Ireland) Act 2002 (Commencement No. 9 and Transitional Provisions) Order 2005 (SI 2005/281) had not included—

- (a) in sub-paragraph (a), reference to Article 1 of that Order; and
- (b) sub-paragraph (c) (which relates to amendments made to that Order by the [Criminal Justice \(Northern Ireland\) Order 1980 \(NI 6\)](#)).

### **Repeals**

27. Schedule 2 (repeals) has effect.