
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation certain provisions of the Justice Act (Northern Ireland) 2015 (c.9 (N.I.)) (“the Act”).

The provisions of the Act set out in Article 2 come into operation on 29th January 2016.

Section 94 introduces a power for a court, in criminal proceedings, to order access to specified premises for the defendant where it is required to ensure compliance with Article 6 of the European Convention on Human Rights.

Section 96 amends Section 5 of the Domestic Violence, Crime and Victims Act 2004 (offence of causing or allowing the death of a child or vulnerable adult) so that in addition to causing or allowing death (under the current legislation) it will be an offence to cause or allow a child or vulnerable adult to suffer serious physical harm. A person found guilty of this offence will be liable on conviction on indictment to imprisonment for a term not exceeding 10 years or to a fine, or both.

The provisions of the Act set out in Article 4 come into operation on 1st March 2016.

Section 41 and Schedule 4 insert section 117B and Schedule 8A respectively into the Police Act 1997 to make provision for a review mechanism as part of the filtering scheme operated by AccessNI. It will enable a person to seek, in certain circumstances, an independent review of their case where a conviction or other disposal has not been filtered from their standard or enhanced criminal record certificate. The provision includes an automatic referral for cases where disclosures relate only to spent convictions or other disposals which occurred at a time when a person was under the age of 18