
DRAFT STATUTORY INSTRUMENTS

2008 No. (N.I.)

NORTHERN IRELAND

The Criminal Justice (Northern Ireland) Order 2008

*Made - - - - 2008
Coming into operation in accordance with Article
1(2) to (4)*

THE CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008

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- 4. Riot.
- 5. Affray.
- 6. False imprisonment.

The Offences against the Person Act 1861 (c. 100)

- 7. An offence under— section 4 (soliciting murder), section 16 (threats...

The Explosive Substances Act 1883 (c. 3)

- 8. An offence under— section 2 (causing explosion likely to endanger...

The Criminal Law Amendment Act 1885 (c. 69)

- 9. An offence under section 4 of attempted intercourse with girl...

The Infanticide Act (Northern Ireland) 1939 (c. 5)

- 10. An offence under section 1 (infanticide).

The Criminal Justice Act (Northern Ireland) 1945 (c. 15)

- 11. An offence under section 25 (child destruction).

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

- 12. An offence under— section 20 (cruelty to children), or section...

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

- 13. An offence under section 8 (robbery or assault with intent...
- 14. An offence under section 9 of burglary with intent to—...
- 15. An offence under section 10 (aggravated burglary).

The Criminal Damage (Northern Ireland) Order 1977 (NI 4)

- 16. An offence of arson under Article 3.
- 17. An offence under Article 3(2) (destroying or damaging property) other...

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

- 18. An offence under Article 3 (indecent photographs of children).

The Road Traffic (Northern Ireland) Order 1981 (NI 1)

19. An offence under Article 172B (aggravated vehicle-taking causing death or...

The Taking of Hostages Act 1982 (c. 28)

20. An offence under section 1 (hostage-taking).

The Aviation Security Act 1982 (c. 36)

21. An offence under— section 1 (hijacking), section 2 (destroying, damaging...

The Criminal Justice Act 1988 (c. 33)

22. An offence under section 134 (torture).

The Aviation and Maritime Security Act 1990 (c. 31)

23. An offence under— section 1 (endangering safety at aerodromes) section...

The Channel Tunnel (Security) Order 1994 (S.I. 1994/570)

24. An offence under Part 2 (offences relating to Channel Tunnel...

The Road Traffic (Northern Ireland) Order 1995 (NI 18)

25. An offence under— Article 9 (causing death or grievous bodily...

The International Criminal Court Act 2001 (c. 17)

26. An offence under section 51 or 52 (genocide, crimes against...

The Female Genital Mutilation Act 2003 (c. 31)

27. An offence under— section 1 (female genital mutilation), section 2...

The Sexual Offences Act 2003 (c. 42)

28. An offence under— section 15 (meeting a child following sexual...

The Criminal Justice (Northern Ireland) Order 2003 (NI 13)

29. An offence under— Article 20 (assault with intent to commit...

The Domestic Violence, Crime and Victims Act 2004 (c. 28)

30. An offence under section 5 (causing or allowing the death...

The Firearms (Northern Ireland) Order 2004 (NI 3)

31. An offence under— Article 58 (possession with intent), Article 59...

Other offences

32. An offence of— (a) aiding, abetting, counselling, procuring or inciting...
34. An offence under Part 2 of the Serious Crime Act...
35. An attempt to commit murder or a conspiracy to commit...

SCHEDULE 2 — SPECIFIED OFFENCES

PART 1 — SPECIFIED VIOLENT OFFENCES

1. Manslaughter.
2. Kidnapping.
3. Riot.
4. Affray.
5. False imprisonment.

The Offences against the Person Act 1861 (c. 100)

6. An offence under— section 4 (soliciting murder), section 16 (threats...
7. An offence under section 47 of assault occasioning actual bodily...

The Explosive Substances Act 1883 (c. 3)

8. An offence under— section 2 (causing explosion likely to endanger...

The Infanticide Act (Northern Ireland) 1939 (c. 5)

9. An offence under section 1 (infanticide).

The Criminal Justice Act (Northern Ireland) 1945 (c. 15)

10. An offence under section 25 (child destruction).

The Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28)

11. An offence under section 7(1)(b) (assault with intent to resist...

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

12. An offence under section 20 (cruelty to children).

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

13. An offence under section 8 (robbery or assault with intent...
14. An offence under section 9 of burglary with intent to—...
15. An offence under section 10 (aggravated burglary).

The Criminal Damage (Northern Ireland) Order 1977 (NI 4)

16. An offence of arson under Article 3.
17. An offence under Article 3(2) (destroying or damaging property) other...

The Road Traffic (Northern Ireland) Order 1981 (NI 1)

18. An offence under Article 172B (aggravated vehicle-taking causing death or...

The Taking of Hostages Act 1982 (c. 28)

19. An offence under section 1 (hostage-taking).

The Aviation Security Act 1982 (c. 36)

20. An offence under— section 1 (hijacking), section 2 (destroying, damaging...

The Mental Health (Northern Ireland) Order 1986 (NI 4)

21. An offence under Article 121 (ill-treatment of patients).

The Criminal Justice Act 1988 (c. 33)

22. An offence under section 134 (torture).

The Aviation and Maritime Security Act 1990 (c. 31)

23. An offence under— section 1 (endangering safety at aerodromes), section...

The Channel Tunnel (Security) Order 1994 (S.I. 1994/570)

24. An offence under Part 2 (offences relating to Channel Tunnel...

The Road Traffic (Northern Ireland) Order 1995 (NI 18)

25. An offence under— Article 9 (causing death or grievous bodily...

The Protection from Harassment (Northern Ireland) Order 1997 (NI 9)

26. An offence under Article 6 (putting people in fear of...

The Police (Northern Ireland) Act 1998 (c. 32)

27. An offence under section 66 (assaulting or obstructing a constable...

The International Criminal Court Act 2001 (c. 17)

28. An offence under section 51 or 52 (genocide, crimes against...

The Female Genital Mutilation Act 2003 (c. 31)

29. An offence under— section 1 (female genital mutilation), section 2...

The Domestic Violence, Crime and Victims Act 2004 (c. 28)

30. An offence under section 5 (causing or allowing the death...

The Firearms (Northern Ireland) Order 2004 (NI 3)

31. An offence under— Article 58 (possession with intent), Article 59...

Other offences

32. An offence of— (a) aiding, abetting, counselling, procuring or inciting...

33. An offence under Part 2 of the Serious Crime Act...

34. An attempt to commit murder or a conspiracy to commit...

PART 2 — SPECIFIED SEXUAL OFFENCES

1. Rape.

The Offences against the Person Act 1861 (c. 100)

2. An offence under— section 52 (indecent assault upon a female),...

The Criminal Law Amendment Act 1885 (c. 69)

3. An offence under— section 2 (procuration), section 3 (procurement of...

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Criminal Justice (Northern Ireland) Order 2008 No. 1216*

The Vagrancy Act 1898 (c. 38)

4. An offence under section 1 (living on earnings of prostitution...)

The Punishment of Incest Act 1908 (c. 45)

5. An offence under— section 1 (incest by a man), or...

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

6. An offence under— section 21 (causing or encouraging seduction or...)

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

7. An offence under section 9 of burglary with intent to...

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

8. An offence under Article 3 (indecent photographs of children).

The Customs and Excise Management Act 1979 (c. 2)

9. An offence under section 170 (penalty for fraudulent evasion of...)

The Criminal Justice (Northern Ireland) Order 1980 (NI 6)

10. An offence under Article 9 (inciting girl under 16 to...)

The Mental Health (Northern Ireland) Order 1986 (NI 4)

11. An offence under— Article 122 (protection of women suffering from...)

The Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (NI 17)

12. An offence under Article 15 (possession of indecent photograph of...)

The Sexual Offences Act 2003 (c. 42)

13. An offence under— section 15 (meeting a child following sexual...)

The Criminal Justice (Northern Ireland) Order 2003 (NI 13)

14. An offence under— Article 20 (assault with intent to commit...)

Other offences

15. An offence of— (a) aiding, abetting, counselling, procuring or inciting...
16. An offence under Part 2 of the Serious Crime Act...

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2. (1) A supervised activity order shall specify the petty sessions...

Coming into force of order

- (1) Sub-paragraphs (2) to (5) apply where a supervised activity...

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- (1) An offender in respect of whom a supervised activity...

Failure to comply with order

- (1) If at any time while a supervised activity order...

Amendment, extension or revocation of order

- (1) On the application of the offender or of the...

Rules

- (1) The Secretary of State may make rules for regulating...

Interpretation

- (1) In this Schedule “the appropriate court”, in relation to...

SCHEDULE 4 — THE PAROLE COMMISSIONERS

Appointment

- (1) The Secretary of State shall appoint Parole Commissioners.

Tenure

- A Commissioner— (a) shall hold office in accordance with the...
- The Secretary of State may, after consultation with the Lord...

Rules

- (1) The Secretary of State may make rules with respect...

Remuneration and allowances

- (1) The Secretary of State shall pay to or in...

Staff, premises, etc.

- The Secretary of State shall provide for the Commissioners the...

Annual report

- (1) The Chief Commissioner shall, as soon as reasonably practicable...

SCHEDULE 5 — AMENDMENTS

The Treatment of Offenders Act (Northern Ireland) 1968 (c. 29)

- In section 33(2) (interpretation) at the end add if—

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- In Part 3 of Schedule 1 (other disqualifying offices) at...

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Criminal Justice (Northern Ireland) Order 2008 No. 1216*

The Rehabilitation of Offenders (Northern Ireland) Order 1978 (NI 27)

3. In Article 6(1) (sentences excluded from rehabilitation), after subparagraph (d)...

The Repatriation of Prisoners Act 1984 (c. 47)

4. (1) In section 2 (transfer out of the United Kingdom)...

The Mental Health (Northern Ireland) Order 1986 (NI 4)

5. (1) In Article 44 (power of court to order hospital)...

The Criminal Justice Act 1988 (c. 33)

6. In section 36(9) (reviews of sentencing) after paragraph (ab) insert—...

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

7. (1) In Article 2(2) (interpretation) in the definition of “custodial...

The Life Sentences (Northern Ireland) Order 2001 (NI 2)

8. In Article 2(2) (interpretation), in the definition of “the Commissioners”...

The Justice (Northern Ireland) Act 2002 (c. 26)

9. In section 46(1)(ea) (organisations to be inspected by Chief Inspector)...

The Sexual Offences Act 2003 (c. 42)

10. (1) In the table in section 82(1) (notification period for...

The Access to Justice (Northern Ireland) Order 2003 (NI 10)

11. In Article 25(2)(b)(ii) (right to representation) for “Life Sentence Review...

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