



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 5 **U.K.**

SAFEGUARDING VULNERABLE GROUPS, CRIMINAL RECORDS ETC.

[^{F1}CHAPTER 5 **N.I.**

DISREGARDING CERTAIN CONVICTIONS FOR BUGGERY ETC: NORTHERN IRELAND

General

[^{F1}101A Power of Department of Justice to disregard certain convictions or cautions **N.I.**

- (1) A person who has in Northern Ireland been convicted of, or cautioned for, an offence under—
 - (a) Article 19 of the Criminal Justice (Northern Ireland) Order 2003 ([S.I. 2003/1247 \(N.I. 13\)](#)) (buggery),
 - (b) Article 7 of the Homosexual Offences (Northern Ireland) Order 1982 ([S.I. 1982/1536 \(N.I. 19\)](#)) (procuring others to commit homosexual acts),
 - (c) section 61 of the Offences against the Person Act 1861 (buggery), or
 - (d) section 11 of the Criminal Law Amendment Act 1885 (indecent acts between men),may apply to the Department of Justice in Northern Ireland for the conviction or caution to become a disregarded conviction or caution.
- (2) A conviction or caution becomes a disregarded conviction or caution when conditions A and B are met.
- (3) In relation to an offence under Article 7 of the Homosexual Offences (Northern Ireland) Order 1982, Condition A is that the Department of Justice in Northern Ireland decides that it appears that—

Changes to legislation: *Protection of Freedoms Act 2012, Section 101A is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) the conduct procured was conduct involving persons who consented to it and were aged 17 or over (whether or not that conduct occurred), and
 - (b) the conduct procured would not now be an offence under Article 75 of the Sexual Offences (Northern Ireland) Order 2008 ([S.I. 2008/1769 \(N.I. 2\)](#)) (sexual activity in a public lavatory).
- (4) In relation to any other offence mentioned in subsection (1), Condition A is that the Department of Justice in Northern Ireland decides that it appears that—
- (a) the other person involved in the conduct constituting the offence consented to it and was aged 17 or over, and
 - (b) any such conduct now would not be an offence under Article 75 of the Sexual Offences (Northern Ireland) Order 2008 ([S.I. 2008/1769 \(N.I. 2\)](#)).
- (5) Condition B is that—
- (a) the Department of Justice in Northern Ireland has given notice of the decision to the applicant under section 101C(4)(b), and
 - (b) the period of 14 days beginning with the day on which the notice was given has ended.
- (6) Sections 101D to 101G explain the effect of a conviction or caution becoming a disregarded conviction or caution.]

Textual Amendments

F1 Pt. 5 Ch. 5 inserted (31.1.2017 for specified purposes, 28.6.2018) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 168\(1\)](#), [183\(4\)\(5\)\(e\)](#); [S.R. 2018/128](#), [art. 2\(a\)](#)

Modifications etc. (not altering text)

C1 S. 101A: power to amend conferred (N.I.) (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 171](#), [183\(1\)\(5\)\(e\)](#) (with [s. 172](#))

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2234 art. 13 by [S.I. 2014/831 art. 2\(2\)](#)
- specified provision(s) transitional provisions and savings for commencing S.I. 2013/1814 by [S.I. 2013/1813 art. 2-9](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 7A inserted by [2019 c. 3 Sch. 2 para. 20](#)