



Policing and Crime Act 2017

2017 CHAPTER 3

PART 9

MISCELLANEOUS AND GENERAL

CHAPTER 1

MISCELLANEOUS

Pardons for certain abolished offences etc

171 Power to provide for disregards and pardons for additional abolished offences: Northern Ireland

- (1) The Department of Justice in Northern Ireland may by regulations amend section 101A of the Protection of Freedoms Act 2012 (power of Department of Justice to disregard convictions or cautions) so as to add further offences to the list of offences specified in subsection (1) of that section.
- (2) An offence may be added to that list only if—
 - (a) it was an offence under the law of Northern Ireland (or, in the case of an offence that applied before Northern Ireland became a separate legal jurisdiction, an offence under the law of Ireland),
 - (b) it has been repealed or, in the case of an offence at common law, abolished, and
 - (c) either—
 - (i) the offence expressly regulated homosexual activity, or
 - (ii) although the offence did not expressly regulate homosexual activity, it appears to the Department of Justice that those responsible for investigating occurrences of the offence targeted occurrences involving, or connected with, homosexual activity.

Changes to legislation: *Policing and Crime Act 2017, Section 171 is up to date with all changes known to be in force on or before 12 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*

- (3) Regulations under subsection (1) adding an offence may also amend section 101A so as to provide that, in relation to the offence, condition A is that it appears to the Department of Justice that matters specified in the amendment apply (in substitution for the matters specified in subsection (4)(a) and (b) of that section).
- (4) Regulations under subsection (1) may make consequential amendments of Chapter 5 of Part 5 of the 2012 Act.
- (5) Regulations under subsection (1) adding an offence must also provide for any person who has been convicted of, or cautioned for, the offence to be pardoned where—
 - (a) the person has died before the regulations come into force or the person dies during the period of 6 months beginning with the day on which they come into force, and
 - (b) the conditions specified in the regulations are met.
- (6) Those conditions must correspond to the matters that are specified in condition A in section 101A of the 2012 Act as it applies in relation to the offence (that is, the matters which must appear to the Department of Justice to apply in order for condition A to be met).
- (7) Subsection (5)(a) does not apply in relation to a person who dies during the period of 6 months if, before the person's death, the person's conviction of, or caution for, the offence becomes a disregarded conviction or caution under Chapter 5 of Part 5 of the 2012 Act (and, accordingly, the person is pardoned for the offence before death under section 170(2) of this Act).
- (8) The regulations must make provision which has a comparable effect in relation to the pardons provided for by the regulations and the offences to which those pardons relate as section 169(5) of this Act has in relation to the pardons provided for by section 169(1) to (4) and the offences to which they relate.
- (9) The power to make regulations under subsection (1) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (10) Regulations under this section may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (11) In this section, “caution”, “conviction”, “disregarded caution” and “disregarded conviction” have the same meaning as in Chapter 5 of Part 5 of the 2012 Act (see section 101J of that Act).

Commencement Information

II [S. 171](#) in force for specified purposes at Royal Assent, see [s. 183](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by [S.I. 2017/1162 reg. 2](#)