

*These notes refer to the Justice Act (Northern Ireland)
2015 (c.9) which received Royal Assent on 24 July 2015*

Justice Act (Northern Ireland) 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6: Child Protection Disclosures

This part introduces Child Protection Disclosures to Northern Ireland to allow the consideration of disclosure of conviction information in relation to any offender who falls within the public protection arrangements for Northern Ireland.

Section 48: Child protection disclosures

This section amends Part 3, Articles 49 and 50 of the Criminal Justice (Northern Ireland) Order 2008. Article 49 is amended to include three further definitions: a child; a conviction; and a relevant previous conviction.

It defines a child as a person under the age of 18 years. It specifies that a conviction includes: a conviction by or before a court outside Northern Ireland; any finding (other than that linked to insanity) in criminal proceedings that a person has committed an offence or done the act or made the omission charged; or a caution given to a person in respect of an offence which the person admitted when cautioned. It defines relevant previous conviction as a conviction made for a sexual or violent offence which falls within a specified description of persons (specified in guidance under Article 50).

Article 50 is amended to provide new paragraph (2A). The effect is that guidance to agencies, used to assess and manage certain risks to the public, must contain provisions about arrangements for considering the disclosure of information on relevant previous convictions of a person, where it is necessary to protect a particular child, or children, from serious harm caused by that person. Provision may also be included in the guidance to prevent a person from disclosing the information to another person.