



Policing and Crime Act 2017

2017 CHAPTER 3

PART 9

MISCELLANEOUS AND GENERAL

CHAPTER 1

MISCELLANEOUS

Pardons for certain abolished offences etc

169 Posthumous pardons for convictions etc of certain abolished offences: Northern Ireland

- (1) A person who has in Northern Ireland been convicted of, or cautioned for, an offence specified in subsection (2) and who has died before this section comes into force is pardoned for the offence if the conditions that apply under this section in relation to the offence are met.
- (2) The offences to which subsection (1) applies are—
 - (a) an offence under Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13)) (buggery);
 - (b) an offence under Article 7 of the Homosexual Offences (Northern Ireland) Order 1982 (S.I. 1982/1536 (N.I. 19)) (procuring others to commit homosexual acts);
 - (c) an offence under any of the following earlier provisions—
 - (i) 10 Chas. 1 sess. 2 c. 20 (1634) (an Act for the punishment of the vice of buggery);
 - (ii) section 18 of 10 Geo. 4 c. 34 (1829) (an Act for consolidating and amending the statutes in Ireland relating to offences against the person) (buggery);
 - (iii) section 61 of the Offences against the Person Act 1861 (buggery);

Changes to legislation: *Policing and Crime Act 2017, Section 169 is up to date with all changes known to be in force on or before 19 August 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*

- (iv) section 11 of the Criminal Law Amendment Act 1885 (gross indecency between men).
- (3) In relation to an offence under Article 7 of the Homosexual Offences (Northern Ireland) Order 1982, the conditions that apply are that—
- (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 (2), the conditions that apply are 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 at the time this section comes into force would not 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).
- (5) The following provisions of section 101J of the Protection of Freedoms Act 2012 apply for the purposes of this section and section 172(1) (so far as relating to this section) as they apply for the purposes of Chapter 5 of Part 5 of that Act—
- (a) in subsection (1), the definitions of “caution” and “conviction”;
 - (b) subsections (2) to (5).

Commencement Information

- I1** [S. 169](#) in force for specified purposes at Royal Assent, see [s. 183](#)
- I2** [S. 169](#) in force at 28.6.2018 by [S.R. 2018/128](#), [art. 2\(b\)](#)

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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](#)