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STATUTORY INSTRUMENTS

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**1979 No. 1714 (N.I. 19)**

**Perjury (Northern Ireland) Order 1979**

[19th December  
1979]

**Title and commencement**

1. This Order may be cited as the Perjury (Northern Ireland) Order 1979 ... *Commencement* ...

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“enactment” includes any provision in any Act of the Parliament of the United Kingdom or of the Parliament of Northern Ireland whether public, general, local or private, or in any Measure of the Assembly, and a provision in any rule, regulation, bye-law, order or other instrument made under any such Act or Measure;

“judicial proceeding” has the meaning assigned to it by Article 3(2);

“statutory declaration” means a declaration made by virtue of the Statutory Declarations Act 1835, or of any Act of the Parliament of the United Kingdom or of the Parliament of Northern Ireland, Measure of the Assembly, Order in Council, order of the Secretary of State by virtue of paragraph 4(2) of Schedule 5 to the Northern Ireland Constitution Act 1973, rule or regulation applying or extending the Statutory Declarations Act 1835.

(3) For the purposes of section 42(2) of the Northern Ireland Constitution Act 1973 (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

**Perjury**

3.—(1) Any person lawfully sworn as a witness or as an interpreter in a judicial proceeding who wilfully makes a statement material in that proceeding, which he knows to be false, or does not believe to be true, shall be guilty of perjury, and shall, on conviction on indictment, be liable to imprisonment for a term not exceeding seven years, or to a fine, or to both.

(2) The expression “judicial proceeding” includes a proceeding before any court, tribunal, or person having by law power to hear, receive, and examine evidence on oath.

(3) Where a statement made for the purposes of a judicial proceeding is not made before the tribunal itself, but is made on oath before a person authorised by law to administer an oath to the person who makes the statement, and to record or authenticate the statement, it shall, for the purposes of this Article, be treated as having been made in a judicial proceeding.

*Status: Point in time view as at 25/03/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Perjury (Northern Ireland) Order 1979. (See end of Document for details)*

(4) A statement made by a person lawfully sworn in Northern Ireland for the purposes of a judicial proceeding—

- (a) in another part of Her Majesty's dominions; or
- (b) in a British tribunal lawfully constituted in any place by sea or land outside Her Majesty's dominions; or
- (c) in a tribunal of any foreign state;

shall, for the purposes of this Article, be treated as a statement made in a judicial proceeding in Northern Ireland.

(5) The question whether a statement on which perjury is assigned was material is a question of law to be determined by the court at the trial.

#### **Modifications etc. (not altering text)**

- C1** Art. 3 applied (with modifications) (10.5.2013 for specified purposes, 11.11.2013 for specified purposes, 1.4.2015 for specified purposes, 3.4.2017 for specified purposes) by [The Criminal Evidence \(Northern Ireland\) Order 1999 \(S.I. 1999/2789\)](#), arts. 1(2), **17(7)** (with Sch. 2); S.R. 2013/126, art. 2; S.R. 2013/251, art. 2; S.R. 2015/157, art. 2; S.R. 2017/5, art. 2(b)
- C2** Art. 3 applied by S.I. 1999/2789 (N.I. 8), art. 21BA(10) (as inserted (10.5.2013 for specified purposes, 11.11.2013 for specified purposes, 1.4.2015 for specified purposes, 3.4.2017 for specified purposes) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), ss. **12(1)**, 111(3); S.R. 2013/125, art. 2; S.R. 2013/252, art. 2; S.R. 2015/158, art. 2; S.R. 2017/6, art. 2)
- C3** Art. 3 modified (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\)](#), regs. 1(1), **36(7)(b)** (with regs. 3, 36(1))
- C4** Art. 3 modified (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\)](#), regs. 1(1), **37(6)(b)** (with regs. 3, 37(1))
- C5** Art. 3 modified (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 27 para. 5(2)** (with ss. 88-90)
- C6** [Art. 3](#) modified (temp.) by S.I. 1981/1675 (N.I. 26), **art. 76A(6)** (as modified (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 27 para. 9** (with ss. 88-90)) (which affecting provision expires (25.9.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. **89** (with s. 90))

#### **False written statements tendered in evidence**

4.—(1) Any person who in a written statement tendered in evidence in criminal proceedings by virtue of—

- (a) section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 ,  
or

[<sup>F1</sup>(b) Article 33 of the Magistrates' Courts (Northern Ireland) Order 1981]

wilfully makes a statement material in those proceedings which he knows to be false, or does not believe to be true, shall be guilty of an offence.

(2) Any person who in a written statement made in Northern Ireland and tendered in evidence in the Republic of Ireland in any criminal proceedings wilfully makes a statement material in those proceedings which he knows to be false, or does not believe to be true, shall be guilty of an offence.

(3) A person guilty of an offence under paragraph (1) or (2) shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.

(4) This Article is without prejudice to Article 3, and paragraph (1) applies whether the written statement is made in Northern Ireland, Great Britain or the Republic of Ireland.

F1 1981 NI 26

### **False written statements tendered in evidence in courts-martial**

5.—(1) Any person who in a written statement tendered in evidence in proceedings before a court-martial by virtue of section 9 of the Criminal Justice Act 1967 as extended by section 12 of that Act or by section 99A of the Army Act 1955 or section 99A of the Air Force Act 1955 wilfully makes a statement material in those proceedings which he knows to be false, or does not believe to be true, shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.

(3) Paragraph (1) is without prejudice to Article 3, and applies whether the written statement is made in Northern Ireland or elsewhere.

### **False unsworn statements under the Evidence (Proceedings in Other Jurisdictions) Act 1975**

6. Any person who, in giving any testimony (either orally or in writing) otherwise than on oath, where required to do so by an order under section 2 of the Evidence (Proceedings in Other Jurisdictions) Act 1975, makes a statement—

- (a) which he knows to be false in a material particular, or
- (b) which is false in a material particular and which he does not believe to be true,

shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.

### **False statements on oath made otherwise than in a judicial proceeding**

7.—(1) Any person required or authorised by law to make any statement on oath for any purpose, and being lawfully sworn (otherwise than in a judicial proceeding) who wilfully makes a statement which is material for that purpose and which he knows to be false, or does not believe to be true, shall be guilty of an offence.

(2) Any person who wilfully uses any false affidavit for the purposes of—

- (a) the Bills of Sale (Ireland) Acts 1879 and 1883; or
- (b) any enactment relating to the registration of deeds or other documents; or
- (c) any enactment relating to the registration of title to land,

shall be guilty of an offence.

(3) A person guilty of an offence under paragraph (1) or (2) shall be liable on conviction on indictment to imprisonment for a term not exceeding seven years, or to a fine, or to both.

### **False statements, etc., with reference to marriage<sup>F2</sup> or civil partnership]**

8.—(1) Any person who—

- (a) for the purpose of procuring a marriage or a certificate or licence for marriage, knowingly and wilfully makes a false oath or makes or signs a false declaration, notice or certificate required under any enactment relating to marriage or to the registration of marriages; or
- (b) knowingly and wilfully makes, or knowingly and wilfully causes to be made, for the purpose of being inserted in any register of marriage, a false statement as to any particular required by law to be known and registered relating to any marriage; or

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- (c) forbids the issue of any certificate or licence for marriage by falsely representing himself to be a person whose consent to the marriage is required by law, knowing such representation to be false,

shall be guilty of an offence.

[<sup>F2</sup>(1A) Any person who—

- (a) for the purpose of procuring the formation of a civil partnership or a document mentioned in paragraph (1B)—
- (i) makes or signs a declaration required under Part 4 or 5 of the Civil Partnership Act 2004; or
- (ii) gives a notice or certificate required under Part 4 or 5 of the Civil Partnership Act 2004,

knowing that the declaration, notice or certificate is false;

- (b) for the purpose of a record being made in any register relating to civil partnerships—
- (i) makes a statement as to any information which is required to be registered under Part 4 or 5 of the Civil Partnership Act 2004; or
- (ii) causes such a statement to be made,

knowing that the statement is false;

- (c) forbids the issue of a document mentioned in paragraph (1B)(a) or (b) by representing himself to be a person whose consent to a civil partnership between a child and another person is required under Part 4 or 5 of the Civil Partnership Act 2004, knowing the representation to be false,

shall be guilty of an offence.

(1B) The documents are—

- (a) a civil partnership schedule;
- (b) a document required by an Order in Council under section 210 or 211 of the Civil Partnership Act 2004 as an authority for two people to register as civil partners of each other;
- (c) a certificate of no impediment under section 240 of the Civil Partnership Act 2004.]

(2) A person guilty of an offence under paragraph (1)[<sup>F2</sup> or (1A)] shall be liable—

- (a) on summary conviction to a fine not exceeding[<sup>F3</sup> level 3 on the standard scale];
- (b) on conviction on indictment to imprisonment for a term not exceeding seven years, or to a fine, or to both.

**F2** 2004 c. 33

**F3** 1984 NI 3

### **False statements, etc., as to births or deaths**

9.—(1) Any person who—

- (a) wilfully makes any false answer to any question put to him by any registrar of births or deaths relating to the particulars required to be registered concerning any birth or death, or, wilfully gives to any such registrar any false information concerning any birth or death or the cause of any death; or

(b) wilfully makes any false certificate or declaration under or for the purposes of any enactment relating to the registration of births or deaths, or knowing any such certificate or declaration to be false, uses it as true or gives or sends it to any person as true; or

(c) wilfully makes, gives or uses any false statement or declaration as to a child born alive having been still-born, or as to the body of a deceased person or a still-born child in any coffin, or falsely pretends that any child born alive was still-born; or

(d) makes any false statement with intent to have it inserted in any register of births or deaths,

shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable—

- (a) on summary conviction to a fine not exceeding<sup>[F4]</sup> level 3 on the standard scale;
- (b) on conviction on indictment to imprisonment for a term not exceeding seven years, or to a fine.

(3) A prosecution on indictment for an offence against paragraph (1) shall not be commenced more than three years after the commission of the offence.

**F4** 1984 NI 3

### **False statutory declarations and other false unsworn statements**

**10.** Any person who knowingly and wilfully makes (otherwise than on oath) a statement which is false in a material particular—

- (a) in a statutory declaration; or
- (b) in an abstract, account, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return, or other document which he is authorised or required to make, attest, or verify, by any enactment; or
- (c) in any oral declaration or oral answer which he is required to make by, under, or in pursuance of, any enactment,

shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.

#### **Modifications etc. (not altering text)**

**C7** Art. 10 applied (31.8.2013) by [The Electricity and Gas \(Market Integrity and Transparency\) \(Enforcement etc.\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/208\)](#), regs. 1, **15(3)(b)** (with Sch. 1)

### **False declarations, etc., to obtain registration, etc., for carrying on a vocation**

**11.** Any person who—

- (a) procures or attempts to procure himself to be registered on any register or roll kept under or in pursuance of any enactment of persons qualified by law to practice any vocation or calling; or
- (b) procures or attempts to procure a certificate of the registration of any person on any such register or roll,

by wilfully making or producing or causing to be made or produced either verbally or in writing, any declaration, certificate, or representation which he knows to be false or fraudulent, shall

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be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding one year, or to a fine, or to both.

#### **Aiders, abettors, suborners, etc.**

**12.—**(1) Any person who aids, abets, counsels, procures, or suborns another person to commit an offence against this Order shall be liable to be proceeded against, indicted, tried and punished as if he were a principal offender.

(2) Any person who incites<sup>F5</sup> . . . another person to commit an offence against this Order shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.

F5 1983 NI 13
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#### **Power to direct a prosecution for perjury**

**13.—**(1) Where any of the following authorities, namely, a judge of, or person presiding in, a court of record, or a magistrates' court, is of opinion that any person has, in the course of a proceeding before that authority, been guilty of perjury, the authority may—

- (a) order the prosecution of that person for the perjury where there appears to be reasonable cause for such a prosecution, and
- (b) commit him, or admit him to bail, to take his trial at the proper court, and
- (c) require any person to enter into a recognizance to prosecute or to give evidence against the person whose prosecution is so ordered, and
- (d) give the person so bound to prosecute a certificate of the making of the order for the prosecution,

for which certificate no charge shall be made.

(2) An order made or a certificate given under paragraph (1) shall not be given in evidence for the purpose or in the course of any trial of a prosecution resulting therefrom.

#### **Corroboration**

**14.** A person shall not be liable to be convicted of any offence against this Order, or of any offence declared by any other enactment to be perjury or subornation of perjury, or to be punishable as perjury or subornation of perjury, solely upon the evidence of one witness as to the falsity of any statement alleged to be false.

#### **Proof of certain proceedings on which perjury is assigned**

**15.** On a prosecution—

- (a) for perjury alleged to have been committed on the trial of an indictment; or
- (b) for procuring or suborning the commission of perjury on any such trial;

the fact of the former trial shall be sufficiently proved by the production of a certificate containing the substance and effect (omitting the formal parts) of the indictment and trial purporting to be signed by the appropriate officer of the Crown Court without proof of the signature or official character of the person appearing to have signed the certificate.

*Art. 16 rep. by 1980 NI 6*

### Forms and ceremonies used in administering oaths

17. For the purposes of this Order, the forms and ceremonies used in administering an oath are immaterial if—

- (a) the court or person before whom the oath is taken has power to administer an oath for the purpose of verifying the statement in question; and
- (b) the oath has been administered in a form and with ceremonies which the person taking the oath has accepted without objection or has declared to be binding on him.

### Savings

18.—(1) Where the making of a false statement is not only an offence under this Order but also by virtue of some other enactment is a corrupt practice or subjects the offender to any forfeiture or disqualification or to any penalty other than imprisonment or fine, the liability of the offender under this Order shall be in addition to and not in substitution for his liability under that other enactment.

(2) Nothing in this Order shall apply to a statement made without oath by a child under<sup>F6</sup> Article 20 of the Criminal Justice (Children) (Northern Ireland) Order 1998].

**F6** 1998 NI 9

*Art.19(1), with Schedule 1, effects amendments; para.(2), with Schedule 2, effects repeals*

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*Schedule 1—Amendments*

*Schedule 2—Repeals*



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