
STATUTORY INSTRUMENTS

1988 No. 1849 (N.I. 18)

NORTHERN IRELAND

The Malicious Communications(Northern Ireland) Order 1988

<i>Made</i>	- - - -	<i>26th October 1988</i>
<i>Laid before Parliament</i>		<i>10th November 1988</i>
<i>Coming into Operation</i>		<i>27th December 1988</i>

At the Court at Buckingham Palace, the 26th day of October 1988

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of the Malicious Communications Act 1988⁽¹⁾:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974⁽²⁾ (as modified by section 2 of the said Act of 1988) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Malicious Communications (Northern Ireland) Order 1988.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954⁽³⁾ shall apply to Articles 1 and 3 as it applies to a Measure of the Northern Ireland Assembly.

(1) 1988 c. 27
(2) 1974 c. 28
(3) 1954 c. 33 (N.I.)

Offence of sending letters etc. with intent to cause distress or anxiety

3.—(1) Any person who sends to another person—

(a) a letter or other article which conveys—

(i) a message which is indecent or grossly offensive;

(ii) a threat; or

(iii) information which is false and known or believed to be false by the sender; or

(b) any other article which is, in whole or part, of an indecent or grossly offensive nature,

is guilty of an offence if his purpose, or one of his purposes, in sending it is that it should, so far as falling within sub-paragraph (a) or (b), cause distress or anxiety to the recipient or to any other person to whom he intends that it or its contents or nature should be communicated.

(2) A person is not guilty of an offence by virtue of paragraph (1)(a)(ii) if he shows—

(a) that the threat was used to reinforce a demand which he believed he had reasonable grounds for making; and

(b) that he believed that the use of the threat was a proper means of reinforcing the demand.

(3) In this Article references to sending include references to delivering and to causing to be sent or delivered.

(4) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made only for purposes corresponding to those of the Malicious Communications Act 1988.

It creates an offence of sending or delivering letters or articles with the intention of causing distress or anxiety.