

SCHEDULES

SCHEDULE 1

Article 12(1).

SERIOUS OFFENCES

1. Manslaughter.
2. Rape.
3. Kidnapping.
4. Riot.
5. Affray.
6. False imprisonment.

The Offences against the Person Act 1861 (c. 100)

7. An offence under—
 - section 4 (soliciting murder),
 - section 16 (threats to kill),
 - section 18 (wounding with intent to cause grievous bodily harm),
 - section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence),
 - section 22 (using chloroform etc. to commit or assist in the committing of any indictable offence),
 - section 23 (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm),
 - section 28 (causing bodily injury by explosives),
 - section 29 (using explosives etc. with intent to do grievous bodily harm),
 - section 30 (placing explosives with intent to do bodily injury),
 - section 32 (endangering the safety of railway passengers),
 - section 52 (indecent assault upon a female),
 - section 53 (abduction of woman etc.), or
 - section 54 (abduction of woman by force).

The Explosive Substances Act 1883 (c. 3)

8. An offence under—
 - section 2 (causing explosion likely to endanger life or property),
 - section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property), or
 - section 4 (possession of explosives in suspicious circumstances).

Status: Point in time view as at 16/07/2008.

Changes to legislation: The Criminal Justice (Northern Ireland) Order 2008 is up to date with all changes known to be in force on or before 26 July 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)

The Criminal Law Amendment Act 1885 (c. 69)

9. An offence under section 4 of attempted intercourse with girl under 14.

The Infanticide Act (Northern Ireland) 1939 (c. 5)

10. An offence under section 1 (infanticide).

The Criminal Justice Act (Northern Ireland) 1945 (c. 15)

11. An offence under section 25 (child destruction).

The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)

12. An offence under—
section 20 (cruelty to children), or
section 22 (indecent conduct towards child).

The Theft Act (Northern Ireland) 1969 (c. 16)

13. An offence under section 8 (robbery or assault with intent to rob).

14. An offence under section 9 of burglary with intent to—

- (a) inflict grievous bodily harm on a person,
- (b) commit rape; or
- (c) do unlawful damage to a building or anything in it.

15. An offence under section 10 (aggravated burglary).

The Criminal Damage (Northern Ireland) Order 1977 (NI 4)

16. An offence of arson under Article 3.

17. An offence under Article 3(2) (destroying or damaging property) other than offence of arson.

The Protection of Children (Northern Ireland) Order 1978 (NI 17)

18. An offence under Article 3 (indecent photographs of children).

The Road Traffic (Northern Ireland) Order 1981 (NI 1)

19. An offence under Article 172B (aggravated vehicle-taking causing death or grievous bodily injury).

The Taking of Hostages Act 1982 (c. 28)

20. An offence under section 1 (hostage-taking).

The Aviation Security Act 1982 (c. 36)

21. An offence under—
section 1 (hijacking),
section 2 (destroying, damaging or endangering safety of aircraft), or
section 3 (other acts endangering or likely to endanger safety of aircraft).

The Criminal Justice Act 1988 (c. 33)

22. An offence under section 134 (torture).

Status: Point in time view as at 16/07/2008.

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The Aviation and Maritime Security Act 1990 (c. 31)

- 23.** An offence under—
- section 1 (endangering safety at aerodromes)
 - section 9 (hijacking of ships),
 - section 10 (seizing or exercising control of fixed platforms),
 - section 11 (destroying fixed platforms or endangering their safety),
 - section 12 (other acts endangering or likely to endanger safe navigation), or
 - section 13 (offences involving threats).

The Channel Tunnel (Security) Order 1994 (S.I.1994/570)

- 24.** An offence under Part 2 (offences relating to Channel Tunnel trains and the tunnel system).

The Road Traffic (Northern Ireland) Order 1995 (NI 18)

- 25.** An offence under—
- Article 9 (causing death or grievous bodily injury by dangerous driving), or
 - Article 14 (causing death or grievous bodily injury by careless driving when under the influence of drink or drugs).

The International Criminal Court Act 2001 (c. 17)

- 26.** An offence under section 51 or 52 (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.

The Female Genital Mutilation Act 2003 (c. 31)

- 27.** An offence under—
- section 1 (female genital mutilation),
 - section 2 (assisting a girl to mutilate her own genitalia), or
 - section 3 (assisting a non-UK person to mutilate overseas a girl's genitalia).

The Sexual Offences Act 2003 (c. 42)

- 28.** An offence under—
- section 15 (meeting a child following sexual grooming etc.),
 - section 47 (paying for sexual services of a child) where subsection (3) or (4) of that section applies,
 - section 48 (causing or inciting child prostitution or pornography),
 - section 49 (controlling a child prostitute or a child involved in pornography),
 - section 50 (arranging or facilitating child prostitution or pornography),
 - section 57 (trafficking into the UK for sexual exploitation),
 - section 58 (trafficking within the UK for sexual exploitation), or
 - section 59 (trafficking out of the UK for sexual exploitation).

The Criminal Justice (Northern Ireland) Order 2003 (NI 13)

- 29.** An offence under—
- Article 20 (assault with intent to commit buggery), or
 - Article 21 (indecent assault on a male).

Status: Point in time view as at 16/07/2008.

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The Domestic Violence, Crime and Victims Act 2004 (c. 28

30. An offence under section 5 (causing or allowing the death of a child or vulnerable adult).

The Firearms (Northern Ireland) Order 2004 (NI 3)

31. An offence under—

Article 58 (possession with intent),

Article 59 (use of firearm to resist arrest),

Article 60 (carrying firearm with criminal intent),

Article 64 (possession of a firearm or ammunition in suspicious circumstances).

VALID FROM 02/02/2009

[^{F1}The Sexual Offences (Northern Ireland) Order 2008 (NI 2)

Textual Amendments

F1 Sch. 1 para. 31A and preceding cross-heading inserted (2.2.2009) by Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(3), 81, **Sch. 1 para. 35(2)**; S.R. 2008/510, **art. 2**

31A. An offence under—

Article 5 (rape),

Article 6 (assault by penetration),

Article 7 (sexual assault),

Article 8 (causing a person to engage in sexual activity without consent),

Article 12 (rape of a child under 13),

Article 13 (assault of a child under 13 by penetration),

Article 14 (sexual assault of a child under 13),

Article 15 (causing or inciting a child under 13 to engage in sexual activity),

Article 16 (sexual activity with a child),

Article 17 (causing or inciting a child to engage in sexual activity),

Article 18 (engaging in sexual activity in the presence of a child),

Article 19 (causing a child to watch a sexual act),

Article 21 (arranging or facilitating commission of a sexual offence against a child),

Article 22 (meeting a child following sexual grooming etc.),

Article 32 (sexual activity with a child family member) where paragraph (4) of that Article applies,

Article 33 (inciting a child family member to engage in sexual activity) where paragraph (4) of that Article applies,

Article 37 (paying for sexual services of a child) where paragraph (3) or (4) of that Article applies,

Article 38 (causing or inciting child prostitution or pornography),

Article 39 (controlling a child prostitute or a child involved in pornography),

Article 40 (arranging or facilitating child prostitution or pornography),

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Article 43 (sexual activity with a person with a mental disorder impeding choice),
Article 44 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity),
Article 45 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice),
Article 46 (causing a person, with a mental disorder impeding choice, to watch a sexual act),
Article 47 (inducement, threat or deception to procure sexual activity with a person with a mental disorder),
Article 48 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception),
Article 49 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder),
Article 50 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception),
Article 51 (care workers: sexual activity with a person with a mental disorder),
Article 52 (care workers: causing or inciting sexual activity),
Article 62 (causing or inciting prostitution for gain),
Article 63 (controlling prostitution for gain),
Article 65 (administering a substance with intent),
Article 66 (committing an offence with intent to commit a sexual offence),
Article 67 (trespass with intent to commit a sexual offence).]

Other offences

- 32.** An offence of—
- (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Schedule,
 - (b) conspiring to commit an offence so specified,
 - (c) attempting to commit an offence so specified.
- 34.** An offence under Part 2 of the Serious Crime Act 2007 (c. 27) (encouraging or assisting crime) in relation to an offence specified in this Schedule.
- 35.** An attempt to commit murder or a conspiracy to commit murder.

SCHEDULE 2

Article 12(3).

SPECIFIED OFFENCES

PART 1

SPECIFIED VIOLENT OFFENCES

1. Manslaughter.
2. Kidnapping.

Status: Point in time view as at 16/07/2008.

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3. Riot.
4. Affray.
5. False imprisonment.

The Offences against the Person Act 1861 (c. 100)

6. An offence under—
 - section 4 (soliciting murder),
 - section 16 (threats to kill),
 - section 18 (wounding with intent to cause grievous bodily harm),
 - section 20 (malicious wounding),
 - section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence),
 - section 22 (using chloroform etc. to commit or assist in the committing of any indictable offence)
 - section 23 (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm),
 - section 27 (abandoning children),
 - section 28 (causing bodily injury by explosives),
 - section 29 (using explosives etc. with intent to do grievous bodily harm),
 - section 30 (placing explosives with intent to do bodily injury),
 - section 31 (setting spring guns etc. with intent to do grievous bodily harm),
 - section 32 (endangering the safety of railway passengers),
 - section 35 (injuring persons by furious driving), or
 - section 37 (assaulting officer preserving wreck).
7. An offence under section 47 of assault occasioning actual bodily harm.

The Explosive Substances Act 1883 (c. 3)

8. An offence under—
 - section 2 (causing explosion likely to endanger life or property),
 - section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property), or
 - section 4 (possession of explosives or ammunition in suspicious circumstances).

The Infanticide Act (Northern Ireland) 1939 (c. 5)

9. An offence under section 1 (infanticide).

The Criminal Justice Act (Northern Ireland) 1945 (c. 15)

10. An offence under section 25 (child destruction).

Status: Point in time view as at 16/07/2008.

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The Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28)

11. An offence under section 7(1)(b) (assault with intent to resist arrest).

The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)

12. An offence under section 20 (cruelty to children).

The Theft Act (Northern Ireland) 1969 (c. 16)

13. An offence under section 8 (robbery or assault with intent to rob).
14. An offence under section 9 of burglary with intent to—
- (a) inflict grievous bodily harm on a person, or
 - (b) do unlawful damage to a building or anything in it.
15. An offence under section 10 (aggravated burglary).

VALID FROM 05/05/2011

^{F2}*The Criminal Jurisdiction Act 1975 (c. 59)*

Textual Amendments

F2 Sch. 2 Pt. 1 para. 15A and preceding cross-heading inserted (5.5.2011) by virtue of [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), [ss. 57\(1\)\(b\)\(2\)](#), [111\(1\)\(b\)](#) (with [s. 106\(4\)](#), [Sch. 6 para. 6](#))

15A An offence under section 2 (hi-jacking of vehicles or ships).]

The Criminal Damage (Northern Ireland) Order 1977 (NI 4)

16. An offence of arson under Article 3.
17. An offence under Article 3(2) (destroying or damaging property) other than offence of arson

The Road Traffic (Northern Ireland) Order 1981 (NI 1)

18. An offence under Article 172B (aggravated vehicle-taking causing death or grievous bodily injury).

The Taking of Hostages Act 1982 (c. 28)

19. An offence under section 1 (hostage-taking).

The Aviation Security Act 1982 (c. 36)

20. An offence under—
- section 1 (hijacking),
 - section 2 (destroying, damaging or endangering safety of aircraft),
 - section 3 (other acts endangering or likely to endanger safety of aircraft), or

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section 4 (offences in relation to certain dangerous articles).

The Mental Health (Northern Ireland) Order 1986 (NI 4)

21. An offence under Article 121 (ill-treatment of patients).

The Criminal Justice Act 1988 (c. 33)

22. An offence under section 134 (torture).

The Aviation and Maritime Security Act 1990 (c. 31)

23. An offence under—
 section 1 (endangering safety at aerodromes),
 section 9 (hijacking of ships),
 section 10 (seizing or exercising control of fixed platforms),
 section 11 (destroying fixed platforms or endangering their safety),
 section 12 (other acts endangering or likely to endanger safe navigation), or
 section 13 (offences involving threats).

The Channel Tunnel (Security) Order 1994 (S.I. 1994/570)

24. An offence under Part 2 (offences relating to Channel Tunnel trains and the tunnel system).

The Road Traffic (Northern Ireland) Order 1995 (NI 18)

25. An offence under—
 Article 9 (causing death or grievous bodily injury by dangerous driving), or
 Article 14 (causing death or grievous bodily injury by careless driving when under the influence of drink or drugs).

The Protection from Harassment (Northern Ireland) Order 1997 (NI 9)

26. An offence under Article 6 (putting people in fear of violence).

The Police (Northern Ireland) Act 1998 (c. 32)

27. An offence under section 66 (assaulting or obstructing a constable etc.).

VALID FROM 12/01/2010

[^{F3}The Terrorism Act 2000 (c. 11)

Textual Amendments

F3 Sch. 2 Pt. I para. 27A and preceding cross-heading inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 139\(6\), 182\(5\)](#) (with s. 180, Sch. 22 para. 38); S.I. 2010/28, [art. 2\(a\)](#)

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- 27A** An offence under—
section 54 (weapons training),
section 56 (directing terrorist organisation),
section 57 (possession of article for terrorist purposes), or
section 59 (inciting terrorism overseas).]

The International Criminal Court Act 2001 (c. 17)

- 28.** An offence under section 51 or 52 (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.

VALID FROM 12/01/2010

[^{F4}The Anti-terrorism, Crime and Security Act 2001 (c. 24)

Textual Amendments

- F4** Sch. 2 Pt. I para. 28A and preceding cross-heading inserted (12.1.2010) by Coroners and Justice Act 2009 (c. 25), ss. 139(7), 182(5) (with s. 180, Sch. 22 para. 38); S.I. 2010/28, art. 2(a)

- 28A** An offence under—
section 47 (use etc of nuclear weapons),
section 50 (assisting or inducing certain weapons-related acts overseas), or
section 113 (use of noxious substance or thing to cause harm or intimidate).]

The Female Genital Mutilation Act 2003 (c. 31)

- 29.** An offence under—
section 1 (female genital mutilation),
section 2 (assisting a girl to mutilate her own genitalia), or
section 3 (assisting a non-UK person to mutilate overseas a girl's genitalia).

The Domestic Violence, Crime and Victims Act 2004 (c. 28)

- 30.** An offence under section 5 (causing or allowing the death of a child or vulnerable adult).

The Firearms (Northern Ireland) Order 2004 (NI 3)

- 31.** An offence under—
Article 58 (possession with intent),
Article 59 (use of firearm to resist arrest),
Article 60 (carrying firearm with criminal intent), or
Article 64 (possession of a firearm in suspicious circumstances).

Status: Point in time view as at 16/07/2008.

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VALID FROM 12/01/2010

[^{F5}The Terrorism Act 2006 (c. 11)

Textual Amendments

F5 Sch. 2 Pt. 1 para. 31A and preceding cross-heading inserted (12.1.2010) by Coroners and Justice Act 2009 (c. 25), ss. 139(8), 182(5) (with s. 180, Sch. 22 para. 38); S.I. 2010/28, art. 2(a)

- 31A** An offence under—
- section 5 (preparation of terrorist acts),
 - section 6 (training for terrorism),
 - section 9 (making or possession of radioactive device or material),
 - section 10 (use of radioactive device or material for terrorist purposes etc), or
 - section 11 (terrorist threats relating to radioactive devices etc).]

Other offences

- 32.** An offence of—
- (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule,
 - (b) conspiring to commit an offence so specified, or
 - (c) attempting to commit an offence so specified.
- 33.** An offence under Part 2 of the Serious Crime Act 2007 (c. 27) (encouraging or assisting crime) in relation to an offence specified in this Part of this Schedule.
- 34.** An attempt to commit murder or a conspiracy to commit murder.

PART 2

SPECIFIED SEXUAL OFFENCES

1. Rape.

The Offences against the Person Act 1861 (c. 100)

- 2.** An offence under—
- section 52 (indecent assault upon a female),
 - section 53 (abduction of woman etc.),
 - section 54 (abduction of woman by force), or
 - section 55 (abduction of unmarried girl under 16 from parent or guardian)

The Criminal Law Amendment Act 1885 (c. 69)

- 3.** An offence under—

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section 2 (procuration),
section 3 (procurement of woman or girl by threats etc. or administering drugs),
section 4 (intercourse or attempted intercourse with girl under 14),
section 5 (intercourse or attempted intercourse with girl under 17),
section 6 (permitting girl under 17 to use premises for intercourse),
section 7 (abduction of girl under 18 from parent or guardian), or
section 8 (unlawful detention of woman or girl in brothel etc.).

The Vagrancy Act 1898 (c. 38)

4. An offence under section 1 (living on earnings of prostitution or soliciting or importuning in a public place).

The Punishment of Incest Act 1908 (c. 45)

5 An offence under—
section 1 (incest by a man), or
section 2 (incest by a woman).

The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)

6. An offence under—
section 21 (causing or encouraging seduction or prostitution of girl under 17), or
section 22 (indecent conduct towards child).

The Theft Act (Northern Ireland) 1969 (c. 16)

7. An offence under section 9 of burglary with intent to commit rape.

The Protection of Children (Northern Ireland) Order 1978 (NI 17)

8. An offence under Article 3 (indecent photographs of children).

The Customs and Excise Management Act 1979 (c. 2)

9. An offence under section 170 (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c. 36) (indecent or obscene articles).

The Criminal Justice (Northern Ireland) Order 1980 (NI 6)

10. An offence under Article 9 (inciting girl under 16 to have incestuous sexual intercourse).

The Mental Health (Northern Ireland) Order 1986 (NI 4)

11. An offence under—
Article 122 (protection of women suffering from severe mental handicap), or
Article 123 (protection of patients).

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The Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (NI 17)

12. An offence under Article 15 (possession of indecent photograph of a child).

The Sexual Offences Act 2003 (c. 42)

13. An offence under—
- section 15 (meeting a child following sexual grooming etc.),
 - section 16 (abuse of position of trust: sexual activity with a child),
 - section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity),
 - section 18 (abuse of position of trust: sexual activity in the presence of a child),
 - section 19 (abuse of position of trust: causing a child to watch a sexual act),
 - section 47 (paying for sexual services of a child),
 - section 48 (causing or inciting child prostitution or pornography),
 - section 49 (controlling a child prostitute or a child involved in pornography),
 - section 50 (arranging or facilitating child prostitution or pornography),
 - section 52 (causing or inciting prostitution for gain),
 - section 53 (controlling prostitution for gain),
 - section 57 (trafficking into the UK for sexual exploitation),
 - section 58 (trafficking within the UK for sexual exploitation),
 - section 59 (trafficking out of the UK for sexual exploitation),
 - section 66 (exposure),
 - section 67 (voyeurism),
 - section 69 (intercourse with an animal),
 - section 70 (sexual penetration of a corpse),
 - section 91 (offences relating to notification),
 - section 113 (breach of sexual offences prevention order, etc),
 - section 122 (breach of foreign travel order),
 - section 128 (breach of risk of sexual harm order, etc).

The Criminal Justice (Northern Ireland) Order 2003 (NI 13)

14. An offence under—
- Article 20 (assault with intent to commit buggery), or
 - Article 21 (indecent assault on a male).

VALID FROM 02/02/2009

f⁶The Sexual Offences (Northern Ireland) Order 2008 (NI 2)

Textual Amendments

F6 Sch. 2 Pt. 2 para. 14A and preceding cross-heading inserted (2.2.2009) by [Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, [Sch. 1 para. 35\(3\)](#); S.R. 2008/510, [art. 2](#)

14A. An offence under—

- Article 5 (rape),
- Article 6 (assault by penetration),
- Article 7 (sexual assault),
- Article 8 (causing a person to engage in sexual activity without consent),
- Article 12 (rape of a child under 13),
- Article 13 (assault of a child under 13 by penetration),
- Article 14 (sexual assault of a child under 13),
- Article 15 (causing or inciting a child under 13 to engage in sexual activity),
- Article 16 (sexual activity with a child),
- Article 17 (causing or inciting a child to engage in sexual activity),
- Article 18 (engaging in sexual activity in the presence of a child),
- Article 19 (causing a child to watch a sexual act),
- Article 20 (sexual offences against children committed by children or young persons),
- Article 21 (arranging or facilitating commission of a sexual offence against a child),
- Article 22 (meeting a child following sexual grooming etc.),
- Article 23 (abuse of position of trust: sexual activity with a child),
- Article 24 (abuse of position of trust: causing or inciting a child to engage in sexual activity),
- Article 25 (abuse of position of trust: sexual activity in the presence of a child),
- Article 26 (abuse of position of trust: causing a child to watch a sexual act),
- Article 32 (sexual activity with a child family member),
- Article 33 (inciting a child family member to engage in sexual activity),
- Article 37 (paying for sexual services of a child),
- Article 38 (causing or inciting child prostitution or pornography),
- Article 39 (controlling a child prostitute or a child involved in pornography),
- Article 40 (arranging or facilitating child prostitution or pornography),
- Article 43 (sexual activity with a person with a mental disorder impeding choice),
- Article 44 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity),
- Article 45 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice),
- Article 46 (causing a person, with a mental disorder impeding choice, to watch a sexual act),

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- Article 47 (inducement, threat or deception to procure sexual activity with a person with a mental disorder),
- Article 48 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception),
- Article 49 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder),
- Article 50 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception),
- Article 51 (care workers: sexual activity with a person with a mental disorder),
- Article 52 (care workers: causing or inciting sexual activity),
- Article 53 (care workers: sexual activity in the presence of a person with a mental disorder),
- Article 54 (care workers: causing a person with a mental disorder to watch a sexual act),
- Article 62 (causing or inciting prostitution for gain),
- Article 63 (controlling prostitution for gain),
- Article 65 (administering a substance with intent),
- Article 66 (committing an offence with intent to commit a sexual offence),
- Article 67 (trespass with intent to commit a sexual offence),
- Article 71 (exposure),
- Article 72 (voyeurism),
- Article 74 (intercourse with an animal),
- Article 75 (sexual penetration of a corpse).]

Other offences

- 15.** An offence of—
 - (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule
 - (b) conspiring to commit an offence so specified, or
 - (c) attempting to commit an offence so specified.
- 16.** An offence under Part 2 of the Serious Crime Act 2007 (c. 27) (encouraging or assisting crime) in relation to an offence specified in this Part of this Schedule.

VALID FROM 01/01/2012
<p>SCHEDULE 3 Article 45.</p> <p>SUPERVISED ACTIVITY ORDERS: FURTHER PROVISIONS</p> <p>.....</p>

Status: Point in time view as at 16/07/2008.

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SCHEDULE 4

Article 46.

THE PAROLE COMMISSIONERS

Appointment

- 1.—(1) The Secretary of State shall appoint Parole Commissioners.
- (2) The Secretary of State shall so far as reasonably practicable ensure that at any time—
- (a) at least one of the Commissioners is a person who holds or has held judicial office in any part of the United Kingdom or who is—
 - (i) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing; or
 - (ii) an advocate or solicitor in Scotland of at least 10 years' standing; or
 - (iii) a person who has a 10 year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41);
 - (b) at least one is a registered medical practitioner who is a psychiatrist;
 - (c) at least one is a chartered psychologist;
 - (d) at least one is a person appearing to the Secretary of State to have knowledge and experience of the supervision or aftercare of discharged prisoners;
 - (e) at least one is a person appearing to the Secretary of State to have knowledge and experience of working with victims of crime; and
 - (f) at least one is a person appearing to the Secretary of State to have made a study of the causes of delinquency or the treatment of offenders.
- (3) In sub-paragraph (2)—
- “chartered psychologist” means a person for the time being listed in the British Psychological Society's Register of Chartered Psychologists;
- “registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 (c. 54).
- (4) The Secretary of State shall appoint a Chief Commissioner from among the Commissioners.
- (5) The Secretary of State may appoint a deputy Chief Commissioner from among the Commissioners.

Modifications etc. (not altering text)

- C1** Sch. 4 para. 1(2)(c) modified (temp. from 3.6.2009 to 30.6.2012) by [Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009](#) (Commencement No. 1 and Transitional Provisions) Order of Council 2009 (S.I. 2009/1357), **art. 3(b)**

Tenure

2. A Commissioner—
- (a) shall hold office in accordance with the terms of appointment; and
 - (b) may resign by notice in writing to the Secretary of State.

Status: Point in time view as at 16/07/2008.

Changes to legislation: The Criminal Justice (Northern Ireland) Order 2008 is up to date with all changes known to be in force on or before 26 July 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)

3. The Secretary of State may, after consultation with the Lord Chief Justice, dismiss a Commissioner if satisfied
- (a) that the Commissioner has without reasonable excuse failed to carry out any functions for a continuous period of 3 months beginning not earlier than 6 months before the day of dismissal;
 - (b) that the Commissioner has been convicted of a criminal offence;
 - (c) that a bankruptcy order has been made against the Commissioner, or the Commissioner's estate had been sequestrated, or the Commissioner has made a composition or arrangement with, or granted a trust deed for, the Commissioner's creditors; or
 - (d) that the Commissioner is unable or unfit to carry out any functions of a Commissioner.

Rules

4.—(1) The Secretary of State may make rules with respect to the proceedings of the Commissioners.

(2) In particular rules may include provision—

- (a) for the allocation of proceedings to panels of Commissioners;
- (b) for the taking of specified decisions by a single Commissioner;
- (c) conferring functions on the Chief Commissioner or deputy Chief Commissioner;
- (d) about evidence and information, including provision—
 - (i) requiring the Commissioners to send to the Secretary of State copies of such documents as the rules may specify;
 - (ii) requiring the Secretary of State to provide specified information to the Commissioners;
 - (iii) for the giving of evidence by or on behalf of the Secretary of State, the Police Service of Northern Ireland and others;
 - (iv) about the way in which information or evidence is to be given;
 - (v) for evidence or information about a prisoner not to be disclosed to anyone other than a Commissioner if the Secretary of State certifies that the evidence or information satisfies conditions specified in the rules;
 - (vi) preventing a person from calling any witness without leave of the Commissioners;
- (e) for proceedings to be held in private except where the Commissioners direct otherwise;
- (f) preventing a person who is serving a sentence of imprisonment or detention from representing or acting on behalf of a prisoner;
- (g) permitting the Commissioners to hold proceedings in specified circumstances in the absence of any person, including the prisoner concerned and any representative appointed by the prisoner.

(3) Where a prisoner and any representative appointed by the prisoner are excluded from proceedings by virtue of sub-paragraph (2)(g), the Advocate General for Northern Ireland may appoint a person to represent the prisoner's interests in those proceedings

(4) A person appointed under sub-paragraph (3) shall not be responsible to the prisoner whose interests the person so appointed represents.

Status: Point in time view as at 16/07/2008.

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(5) Until section 27 of the Justice (Northern Ireland) Act 2002 (c. 26) comes into force, sub-paragraph (3) shall have effect as if the reference to the Advocate General for Northern Ireland were a reference to the Attorney General for Northern Ireland.

VALID FROM 12/04/2010

[^{F8}**4A.**—(1) The Secretary of State may make rules with respect to the proceedings of the Commissioners for purposes connected with the holding, disclosure or use of protected information (as defined in Article 16(4)).

(2) In particular, rules under this paragraph may include—

- (a) provision for the purpose of ensuring that the Secretary of State is informed of cases where protected information may be relevant;
- (b) provision for dealing with cases pending a decision of the Secretary of State as to whether protected information is relevant;
- (c) provision for dealing with cases where protected information is relevant, including (in particular) provision modifying any rules made by the Department of Justice so as to require the Commissioners (or any of them), so far as required by the Secretary of State for purposes connected with any protected information—
 - (i) to conduct such cases, and otherwise carry out their functions, under the rules as if the Secretary of State were a party to the proceedings instead of, or in addition to, the Department of Justice, and
 - (ii) to permit the Secretary of State to carry out functions of the Department of Justice under the rules accordingly;
- (d) any provision mentioned in paragraph 4(2)(a) to (g).

(3) For the purposes of sub-paragraph (2)(d) above—

- (a) in paragraph 4(2) references to the Department of Justice are to be read as including references to the Secretary of State;
- (b) paragraph 4(3) and (4) applies in relation to any provision made by virtue of paragraph 4(2)(g).

(4) Rules made by the Department of Justice under paragraph 4 have effect subject to rules made by the Secretary of State under this paragraph.]

Textual Amendments

F8 Sch. 4 para. 4A inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), **Sch. 5 para. 31(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

Remuneration and allowances

5.—(1) The Secretary of State shall pay to or in respect of a Commissioner such remuneration, fees and allowances as the Secretary of State thinks fit.

(2) If a Commissioner resigns in accordance with paragraph 2(b), the Secretary of State may pay the Commissioner compensation if in the Secretary of State's opinion special circumstances make it appropriate.

Status: Point in time view as at 16/07/2008.

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Staff, premises, etc.

6. The Secretary of State shall provide for the Commissioners the services of such staff, and the use of such premises and other facilities, as the Secretary of State thinks appropriate.

Annual report

7.—(1) The Chief Commissioner shall, as soon as reasonably practicable after the end of each financial year, make a report to the Secretary of State on the performance of the Commissioners' functions during the year.

(2) The Secretary of State shall lay a copy of the report before each House of Parliament.

SCHEDULE 5

Article 102.

AMENDMENTS

The Treatment of Offenders Act (Northern Ireland) 1968 (c. 29)

1. In section 33(2) (interpretation) at the end add “if—
 - (a) the sentences were passed on the same occasion; or
 - (b) where they were passed on different occasions, the person has not been released under Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 at any time during the period beginning with the first and ending with the last of those occasions.”.

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

2. In Part 3 of Schedule 1 (other disqualifying offices) at the appropriate place insert— “ Parole Commissioner for Northern Ireland ”.

The Rehabilitation of Offenders (Northern Ireland) Order 1978 (NI 27)

3. In Article 6(1) (sentences excluded from rehabilitation), after sub-paragraph (d) add—
 - “(e) an indeterminate custodial sentence imposed under Article 13 of the Criminal Justice (Northern Ireland) Order 2008 or an extended custodial sentence imposed under Article 14 of that Order ,”.

The Repatriation of Prisoners Act 1984 (c. 47)

- 4.—(1) In section 2 (transfer out of the United Kingdom) in subsection (4)(b) after sub-paragraph (iii) insert—

“(iiia) released on licence under Article 17 or 19 of the Criminal Justice (Northern Ireland) Order 2008;”.

- (2) In the Schedule (operation of certain enactments in relation to the prisoner) after paragraph 2 insert—

“**2A.**—(1) This paragraph applies to a prisoner repatriated to Northern Ireland.

(2) In determining for the purposes of Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 whether the prisoner has at any time served a particular proportion or part of his sentence specified in that Chapter, the prisoner's sentence shall subject to sub-paragraph (3), be deemed to begin with the day on which the relevant provisions take effect.

Status: Point in time view as at 16/07/2008.

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(3) If the warrant specifies a period to be taken into account for the purposes of this paragraph, the amount of time the prisoner has served shall, so far only as the question whether he has served a particular proportion or part of his sentence, be deemed to be increased by that period.

(4) Where the prisoner's sentence is for a term of less than 12 months, Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 shall apply as if the sentence were for a term of 12 months or more.

(5) In this paragraph “sentence” means the provision included in the warrant which is equivalent to sentence.”.

Commencement Information

I1 Sch. 5 para. 4 partly in operation; Sch. 5 para. 4 not in operation at date Order made see art. 1(4); Sch. 5 para. 4(2) in operation at 15.5.2008 by S.R. 2008/217, art. 2, Sch. (with transitory provision in art. 4); Sch. 5 para. 4(1) in operation for certain purposes at 1.4.2009 by S.R. 2009/120, art. 2, Sch. 1 (subject to Sch. 2 paras. 1(1)(2)(b), 2(3)(5), 4)

The Mental Health (Northern Ireland) Order 1986 (NI 4)

5.—(1) In Article 44 (power of court to order hospital admission or guardianship) after paragraph (1) insert—

“(1A) In the case of an offence the sentence for which would otherwise fall to be imposed—

- (a) under Article 70(2) of the Firearms (Northern Ireland) Order 2004 (NI 3),
- (b) under paragraph 2(4) or (5) of Schedule 2 to the Violent Crime Reduction Act 2006 (c. 38), or
- (c) under Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008,

nothing in those provisions shall prevent a court from making an order under paragraph (1) for the admission of the offender to a hospital

(1B) References in paragraph (1A) to a sentence falling to be imposed under any of the provisions mentioned in that paragraph are to be read in accordance with Article 4(2) of the Criminal Justice (Northern Ireland) Order 2008.”.

(2) In Articles 56(3) and 79(5A) for “Life Sentence Review Commissioners” (wherever occurring) substitute “ Parole Commissioners for Northern Ireland ”.

Commencement Information

I2 Sch. 5 para. 5 wholly in operation at 15.5.2008; see art. 1(4) and S.R. 2008/217, art. 2, Sch. (with savings and transitory provision in arts. 3, 4)

The Criminal Justice Act 1988 (c. 33)

6. In section 36(9) (reviews of sentencing) after paragraph (ab) insert—

“(ac) the reference to any of sections 225 to 229 of the Criminal Justice Act 2003 shall be construed as a reference to either of Articles 13 and 14 of the Criminal Justice (Northern Ireland) Order 2008.”.

Status: Point in time view as at 16/07/2008.

Changes to legislation: The Criminal Justice (Northern Ireland) Order 2008 is up to date with all changes known to be in force on or before 26 July 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)

The Criminal Justice (Northern Ireland) Order 1996 (NI 24)

7.—(1) In Article 2(2) (interpretation) in the definition of “custodial sentence” in paragraph (b) (ii) at the end add “ or a sentence of detention under Article 13(4)(b) or 14(5) of the Criminal Justice (Northern Ireland) Order 2008 ”.

(2) In Article 4(1) (absolute and conditional discharge) after “2006” insert “ or Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008 ”.

(3) In Article 10(1) (probation orders) after “2006” insert “ or Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008 ”.

(4) In Article 13(1) (community service orders) after “2006” insert “ or Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008 ”.

(5) In Article 15(1) (combination orders) after “2006” insert “ or Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008 ”.

(6) In Article 25(3) (custody probation orders) for “7(2)(a)(ii)” substitute “ 7(2)(b) ”.

(7) In Article 36(1) (savings) after “this Part” insert “ or Part 2 of the Criminal Justice (Northern Ireland) Order 2008 ”.

(8) In Article 39(3) (juvenile justice orders) for “Articles 19 and 20 of that Order” substitute “ Article 5 of the Criminal Justice (Northern Ireland) Order 2008 ”.

(9) In Article 44A(4) (custody care orders) for “Articles 19 and 20 of that Order” substitute “ Article 5 of the Criminal Justice (Northern Ireland) Order 2008 ”.

Commencement Information

I3 Sch. 5 para. 7 wholly in operation at 1.4.2009; Sch. 5 para. 7 not in operation at date Order made see art. 1(4); Sch. 5 para. 7(1)-(5)(7) in operation at 15.5.2008 by S.R. 2008/217, art. 2, Sch. (with savings and transitory provision in arts. 3, 4); Sch. 5 para. 7(6)(8)(9) in operation at 1.4.2009 by S.R. 2009/120, art. 2, Sch. 1 (subject to Sch. 2 paras. 1(1)(2)(b), 4)

The Life Sentences (Northern Ireland) Order 2001 (NI 2)

8. In Article 2(2) (interpretation), in the definition of “the Commissioners” for “Life Sentence Review Commissioners” substitute “ Parole Commissioners for Northern Ireland ”.

The Justice (Northern Ireland) Act 2002 (c. 26)

9. In section 46(1)(ea) (organisations to be inspected by Chief Inspector of Criminal Justice), for “Life Sentence Review Commissioners” substitute “ Parole Commissioners for Northern Ireland ”.

The Sexual Offences Act 2003 (c. 42)

10.—(1) In the table in section 82(1) (notification period for persons convicted of sexual offences under requirement to notify the police about certain matters), in the entry relating to a person sentenced to imprisonment for life, to imprisonment for public protection under section 225 of the Criminal Justice Act 2003 or to imprisonment for a term of 30 months or more, after “2003” insert “, to an indeterminate custodial sentence under Article 13(4)(a) of the Criminal Justice (Northern Ireland) Order 2008 ”.

(2) In section 131 (application of Part 2 to young offenders) at the end add—

“(m) a sentence of detention under Article 13(4)(b) or 14(5) of the Criminal Justice (Northern Ireland) Order 2008.”.

The Access to Justice (Northern Ireland) Order 2003 (NI 10)

11. In Article 25(2)(b)(ii) (right to representation) for “Life Sentence Review Commissioners” substitute “ Parole Commissioners for Northern Ireland ”.

SCHEDULE 6

Article 102.

REPEALS

PART 1

SENTENCING

Commencement Information

I4 Sch. 6 Pt. 1 partly in operation; Sch. 6 Pt. 1 not in operation at date Order made see art. 1(4); Sch. 6 Pt. 1 in operation for specified entries at 15.5.2008 by S.R. 2008/217, art. 2, Sch. (with transitory provision in art. 4); Sch. 6 Pt. 1 in operation for specified entry at 6.10.2008 by S.R. 2008/383, art. 2, Sch.; Sch. 6 Pt. 1 in operation for specified entries at 1.4.2009 by S.R. 2009/120, art. 2, Sch. 1 (subject to Sch. 2 paras. 1(1)(2)(c), 2(4)(5), 4)

Short Title	Extent of repeal
The Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Part 3 of Schedule 1, the entry relating to a Life Sentence Review Commissioner
The Treatment of Offenders (Northern Ireland) Order 1976 (NI 4)	The whole Order.
The Judicature (Northern Ireland) Act 1978 (c. 23)	In Schedule 5, the amendments to the Treatment of Offenders (Northern Ireland) Order 1976.
The Criminal Appeal (Northern Ireland) Act 1980 (c. 47)	In Schedule 4, paragraph 11.
The Treatment of Offenders (Northern Ireland) Order 1989 (NI 15)	In Schedule 1, the amendments to the Treatment of Offenders (Northern Ireland) Order 1976.
The Criminal Justice (Northern Ireland) Order 1996 (NI 24)	In Article 2(2), the definitions of “custody probation order, “sexual offence” and “violent offence”. Article 2(8). Articles 18 to 22. Articles 24 to 28. In Article 57, “26(5)” and “21A(4)”. In Schedule 2— (a) in paragraph 3(1)(d) the words “where the relevant order was made by a magistrates’ court”; (b) paragraph 3(3) and (4);

Status: Point in time view as at 16/07/2008.

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	(c) in paragraph 4(1) the words “or by virtue of paragraph 3(3)”;
	(d) paragraph 7(5).
The Crime (Sentences) Act 1997 (c. 43)	In Schedule 2, paragraphs 9 and 10.
The Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9)	In Schedule 1A, paragraph 5(2). In Schedule 5, paragraph 53.
The Criminal Justice (Northern Ireland) Order 1998 (NI 20)	In the Schedule, paragraphs 3 and 7(a).
The Life Sentences (Northern Ireland) Order 2001 (NI 2)	Part 2. Schedules 1 and 2.
The Justice (Northern Ireland) Act 2002 (c. 26)	In Schedule 7, paragraph 18. In Schedule 11, paragraph 12.
The Criminal Justice Act 2003 (c. 44)	In Part 1 of Schedule 32, paragraphs 80 and 81.
The Criminal Justice (Northern Ireland) Order 2003 (NI 13)	Article 32.
The Firearms (Northern Ireland) Order 2004 (NI 3)	In Schedule 7, paragraphs 18 to 20.
The Criminal Justice (Northern Ireland) Order 2005 (NI 15)	In Article 16(2), sub-paragraph (a).
The Criminal Justice (Northern Ireland) Order 2008 (NI)	Article 34. Article 35(1)(b)(iv) and (3). In Schedule 5, paragraph 7(6).

PART 2

REPEALS COMING INTO OPERATION IN ACCORDANCE WITH ARTICLE 1(3)

Short Title	Extent of repeal
The Police (Northern Ireland) Act 1998 (c. 32)	In Schedule 4, paragraph 18(6).
The Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9)	Article 43.
The Criminal Justice (Northern Ireland) Order 1998 (NI 20)	Article 4.
The Justice (Northern Ireland) Act 2002 (c. 26)	In Schedule 13, the entry relating to Article 6(6)(c) of the Rehabilitation of Offenders (Northern Ireland) Order 1978.
The Access to Justice (Northern Ireland) Order 2003 (NI 10)	In Schedule 2, paragraph 2(k).
The Criminal Justice (Northern Ireland) Order 2005 (NI 15)	Article 8.

Status: Point in time view as at 16/07/2008.

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The Police and Criminal Evidence
(Amendment) (Northern Ireland) Order 2007
(NI 2) Article 39.

PART 3

PRISONS

Commencement Information

I5 Sch. 6 Pt. 3 partly in operation; Sch. 6 Pt. 3 not in operation at date Order made see art. 1(4); Sch. 6 Pt. 3 in operation for specified entries at 16.7.2008 by S.R. 2008/293, art. 2, Sch.

Short Title	Extent of repeal
The Prison Act (Northern Ireland) 1953 (c. 18).	In section 2(2) the words “, medical officers” Section 19. Section 24(5). In section 47(1) the definition of “intoxicating liquor”.
The Criminal Justice and Public Order Act 1994 (c. 33)	In section 128(5)(aa) the words “or as a medical officer”.
The Justice (Northern Ireland) Act 2002 (c. 26)	In Schedule 4, paragraph 1(2)(f).

VALID FROM 02/02/2009

PART 4

LIVE LINKS

Short Title	Extent of repeal
The Criminal Justice (Northern Ireland) Order 1998 (NI 18)	Article 5.
The Criminal Justice (Northern Ireland) Order 2003 (NI 13).	Article 33.

Status:

Point in time view as at 16/07/2008.

Changes to legislation:

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