

## 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).

**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 05 June 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*

*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).

*[<sup>F1</sup>The Criminal Jurisdiction Act 1975 (c. 59)*

**Textual Amendments**

- F1** Sch. 1 para. 15A and preceding cross-heading inserted (5.5.2011) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), **ss. 57(1)(a)(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 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).

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*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).

*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).

<sup>[F2]</sup>*The Terrorism Act 2000 (c. 11)*

**Textual Amendments**

- F2** Sch. 1 para. 25A and preceding cross-heading inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\), ss. 139\(2\), 182\(5\)](#) (with s. 180, Sch. 22 para. 38); S.I. 2010/28, [art. 2\(a\)](#)

- 25A 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)*

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

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*[<sup>F3</sup>The Anti-terrorism, Crime and Security Act 2001 (c. 24)*

**Textual Amendments**

**F3** Sch. 1 para. 26A and preceding cross-heading inserted (12.1.2010) by [Coroners and Justice Act 2009](#) (c. 25), **ss. 139(3)**, 182(5) (with s. 180, Sch. 22 para. 38); S.I. 2010/28, **art. 2(a)**

**26A** 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)*

**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),

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**Textual Amendments**

**F4** Words in Sch. 1 para. 28 repealed (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015](#) (c. 2), s. 28(2), **Sch. 5**

*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).

*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).

**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 05 June 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

### *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).

*[<sup>F5</sup>The Terrorism Act 2006 (c. 11)*

#### **Textual Amendments**

**F5** Sch. 1 para. 31ZA and preceding cross-heading inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 139(4), 182(5)** (with s. 180, Sch. 22 para. 38); S.I. 2010/28, **art. 2(a)**

**31ZA** 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).]

*[<sup>F6</sup>The Sexual Offences (Northern Ireland) Order 2008 (NI 2)*

#### **Textual Amendments**

**F6** 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.),

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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),

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).]

***[<sup>F7</sup>The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015***

**31A** An offence under—

section 1 (slavery, servitude and forced or compulsory labour);

section 2 (human trafficking).]

**Textual Amendments**

**F7** Sch. 1 para. 31A and cross-heading inserted (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\), ss. 5\(2\), 28\(2\)](#)

## *[F8] The Space Industry Act 2018 (c. 00)*

### **Textual Amendments**

**F8** Sch. 1 para. 31B and cross-heading inserted (29.7.2021) by Space Industry Act 2018 (c. 5), s. 70(1), Sch. 12 para. 30; S.I. 2021/817, reg. 2, Sch. para. 116 (with reg. 3)

### **31B** An offence under—

paragraph 1 of Schedule 4 (hijacking of spacecraft),  
paragraph 2 of that Schedule (destroying, damaging or endangering safety of spacecraft),  
paragraph 3 of that Schedule (other acts endangering or likely to endanger safety of spacecraft),  
or  
paragraph 4 of that Schedule (endangering safety at spaceports).]

### *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.
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),

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- 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).

*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—



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- (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).

*[<sup>F9</sup>The Criminal Jurisdiction Act 1975 (c. 59)*

**Textual Amendments**

- F9** 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  
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),

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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.).

*[<sup>F10</sup>The Terrorism Act 2000 (c. 11)]*

.....  
**Textual Amendments**  
**F10** Sch. 2 Pt. 1 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)**

<sup>F11</sup>**27A** .....

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**Textual Amendments**  
**F11** Sch. 2 Pt. 1 para. 27A omitted (12.4.2019) by virtue of [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(3), **Sch. 4 para. 14(a)** (with s. 25(5))

*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.

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*[<sup>F12</sup>The Anti-terrorism, Crime and Security Act 2001 (c. 24)]*

**Textual Amendments**

**F12** 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)**

<sup>F13</sup>**28A** .....

**Textual Amendments**

**F13** Sch. 2 Pt. 1 para. 28A omitted (12.4.2019) by virtue of [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(3), **Sch. 4 para. 14(b)** (with s. 25(5))

*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 [<sup>F14</sup>a child or vulnerable adult to die or suffer serious physical harm] ).

**Textual Amendments**

**F14** Words in [Sch. 2 para. 30](#) substituted (14.3.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), **Sch. 6 para. 4** (with [Sch. 8 para. 11](#)); S.R. 2016/136, **art. 2(b)**

*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).

*[<sup>F15</sup>The Terrorism Act 2006 (c. 11)]*

**Textual Amendments**

**F15** Sch. 2 Pt. I 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)**

<sup>F16</sup>**31A** .....

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**Textual Amendments**

**F16** Sch. 2 Pt. 1 para. 31A omitted (12.4.2019) by virtue of [Counter-Terrorism and Border Security Act 2019](#) (c. 3), s. 27(3), **Sch. 4 para. 14(c)** (with s. 25(5))

*[<sup>F17</sup>The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*

**Textual Amendments**

**F17** Sch. 2 Pt. 1 para. 31A and crossheading inserted (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015](#) (c. 2), **ss. 5(3), 28(2)**

**31A** An offence under—

section 1 (slavery, servitude and forced or compulsory labour);  
section 2 (human trafficking) which is not within Part 2 of this Schedule.]

*[<sup>F18</sup>The Space Industry Act 2018 (c. 00)*

**Textual Amendments**

**F18** Sch. 2 Pt. 1 para. 31B and cross-heading inserted (29.7.2021) by [Space Industry Act 2018](#) (c. 5), s. 70(1), **Sch. 12 para. 31**; S.I. 2021/817, reg. 2, **Sch. para. 117** (with reg. 3)

**31B** An offence under—

paragraph 1 of Schedule 4 (hijacking of spacecraft),  
paragraph 2 of that Schedule (destroying, damaging or endangering safety of spacecraft),  
paragraph 3 of that Schedule (other acts endangering or likely to endanger safety of spacecraft),  
paragraph 4 of that Schedule (endangering safety at spaceports), or  
paragraph 5 of that Schedule (offences in relation to certain dangerous articles).]

*[<sup>F19</sup>The Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022*

**Textual Amendments**

**F19** Sch. 2 Pt. 1 para. 31C and cross-heading inserted (26.6.2023) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#) (c. 19), s. 30(2), **Sch. 4 para. 3(b)**; S.R. 2023/87, art. 2(b)

**31C.** An offence under section 28 (non-fatal strangulation or asphyxiation).]

*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—

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).

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*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).

*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),  
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section 66 (exposure),

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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).

#### Textual Amendments

**F20** Words in Sch. 2 Pt. 2 para.13 repealed (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\), s. 28\(2\), Sch. 5](#)

#### *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).

#### <sup>[F21]</sup>*The Sexual Offences (Northern Ireland) Order 2008 (NI 2)*

#### Textual Amendments

**F21** 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.),

<sup>[F22]</sup>Article 22A (sexual communication with a child),]

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[<sup>F23</sup>Article 22B (communicating with a person with a view to grooming a particular child),  
Article 22C (communicating with a group with a view to grooming a particular child),  
Article 22D (communicating with a person with a view to grooming any child),  
Article 22E (communicating with a group with a view to grooming any child),]  
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),  
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),  
[<sup>F24</sup>Article 70 (exposure),  
Article 71 (voyeurism),  
Article 71A (voyeurism: additional offences (genitals and buttocks)),  
Article 71B (voyeurism: additional offences (breasts)),



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Article 72A (sending etc an unwanted sexual image),

Article 73 (intercourse with an animal),

Article 74 (sexual penetration of a corpse).]]

#### Textual Amendments

**F22** Words in Sch. 2 Pt. 2 para. 14A inserted (25.7.2018) by Justice Act (Northern Ireland) 2015 (c. 9), ss. **90(5)**, 106(1)(b)

**F23** Words in Sch. 2 Pt. 2 para. 14A inserted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), ss. **4(3)**, 30(2), S.R. 2023/188, art **3(a)**

**F24** Words in Sch. 2 Pt. 2 para. 14A substituted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), s. 30(2), **Sch. 1 para 5**, S.R. 2023/188, art **3(b)**

#### <sup>F25</sup>*The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*

#### Textual Amendments

**F25** Sch. 2 Pt. 2 para. 14A and crossheading inserted (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), ss. **5(4)**, 28(2)

**14A** An offence under section 2 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation)..2 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).]

#### *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.

## <sup>F26</sup>**PART 3**

### Specified terrorism offences

#### Textual Amendments

**F26** Sch. 2 Pt. 3 inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), ss. **11(4)**, 27(3) (with s. 25(5))

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### **The Terrorism Act 2000 (c. 11)**

- 1 An offence under—
- section 11 (membership of a proscribed organisation),
  - section 12 (inviting support for a proscribed organisation),
  - section 54 (weapons training),
  - section 56 (directing a terrorist organisation),
  - section 57 (possession of article for terrorist purposes),
  - section 58 (collection of information likely to be of use to a terrorist),
  - section 58A (publishing information about members of the armed forces etc),
  - section 58B (entering or remaining in a designated area), or
  - section 59 (inciting terrorism overseas).

### **The Anti-terrorism, Crime and Security Act 2001 (c. 24)**

- 2 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 Terrorism Act 2006 (c. 11)**

- 3 An offence under—
- section 1 (encouragement of terrorism),
  - section 2 (dissemination of terrorist publications),
  - section 5 (preparation of terrorist acts),
  - section 6 (training for terrorism),
  - section 8 (attendance at a place used for terrorist training),
  - section 9 (making or possession of radioactive device or material),
  - section 10 (misuse of radioactive device or material for terrorist purposes etc), or
  - section 11 (terrorist threats relating to radioactive devices etc).

### **Other offences**

- 4 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.
- 5 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.]

[<sup>F27</sup>SCHEDULE 2A

Article 12(6)

Offences specified for various purposes of this Order relating to terrorism

**Textual Amendments**

**F27** Sch. 2A inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(a), Sch. 3

## PART 1

### Introduction

1.—(1) In this Schedule—

- (a) Part 2 specifies certain terrorism offences that are—
  - (i) offences under the law of Northern Ireland; and
  - (ii) punishable with imprisonment for life;
- (b) Part 3 specifies certain offences that—
  - (i) are offences under the law of Northern Ireland;
  - (ii) are not terrorism offences (but are offences capable of being determined to have a terrorist connection); and
  - (iii) are punishable with imprisonment for life;
- (c) Part 4 specifies certain terrorism offences that are—
  - (i) offences under the law of Northern Ireland; and
  - (ii) punishable with imprisonment for more than two years (but not for life);
- (d) Part 5 specifies certain terrorism offences that are—
  - (i) offences only under the law of a part of the United Kingdom other than Northern Ireland; and
  - (ii) punishable with imprisonment for life;
- (e) Part 6 specifies certain offences that—
  - (i) are offences only under the law of a part of the United Kingdom other than Northern Ireland;
  - (ii) are not terrorism offences (but are offences capable of being determined to have a terrorist connection); and
  - (iii) are punishable with imprisonment for life;
- (f) Part 7 specifies certain terrorism offences that are—
  - (i) offences only under the law of a part of the United Kingdom other than Northern Ireland; and
  - (ii) punishable with imprisonment for more than two years (but not for life).

(2) An offence specified in Parts 2 to 4 includes, for the purposes of Article 20A, that offence to the extent that it also forms part of the law of another part of the United Kingdom (and see also paragraph 15(2) of Schedule 1 to the Crime (Sentences) Act 1997 for provision relevant to the application of Article 20A to offences under the law of another part of the United Kingdom).

(3) In this Schedule any reference to an offence includes—

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- (a) an ancillary offence in relation to that offence (unless the reference is specifically to an ancillary offence); and
  - (b) an abolished offence in relation to that offence.
- (4) In this Schedule—
- (a) “ancillary offence”, in relation to an offence, has the same meaning as in the Counter-Terrorism Act 2008 (see section 94 of that Act);
  - (b) “abolished offence”, in relation to an offence (“the current offence”), means an offence that—
    - (i) was abolished before the commencement of section 3 of the Counter-Terrorism and Sentencing Act 2021; and
    - (ii) would, if committed on the day on which the offender is or was convicted, have constituted the current offence.

## PART 2

Terrorism offences in Northern Ireland punishable with imprisonment for life

- 2 An offence under any of the following provisions of the Terrorism Act 2000—
- (a) section 54 (weapons training);
  - (b) section 56 (directing a terrorist organisation);
  - (c) section 60 (inciting terrorism overseas), other than an offence which is an offence by virtue of subsection (2)(c) of that section.
- 3 An offence under any of the following provisions of the Terrorism Act 2006—
- (a) section 5 (preparation of terrorist acts);
  - (b) section 6 (training for terrorism);
  - (c) section 9 (making or possession of radioactive device or material);
  - (d) section 10 (misuse of radioactive device or material for terrorist purposes etc);
  - (e) section 11 (terrorist threats relating to radioactive devices etc).

## PART 3

Other offences in Northern Ireland punishable with imprisonment for life

- 4 An ancillary offence in relation to murder, other than one which must (in the case of an offender aged 21 or over) be punished by imprisonment for life.
- 5 Manslaughter.
- 6 Kidnapping.
- 7 False imprisonment.
- 8 Riot.
- 9 Affray.
- 10 An offence under any of the following provisions of the Offences against the Person Act 1861—
- (a) section 4 (soliciting murder);

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- (b) section 18 (wounding with intent to cause grievous bodily harm);
  - (c) section 21 (attempting to choke, suffocate or strangle in order to commit or assist in the committing of an indictable offence);
  - (d) section 22 (using chloroform etc to commit or assist in the committing of any indictable offence);
  - (e) section 28 (causing bodily injury by explosives);
  - (f) section 29 (using explosives etc with intent to do grievous bodily harm);
  - (g) section 32 (endangering the safety of railway passengers).
- 11** An offence under any of the following provisions of the Explosive Substances Act 1883—
- (a) section 2 (causing explosion likely to endanger life or property);
  - (b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property);
  - (c) section 4 (making or possession of explosive under suspicious circumstances);
  - (d) section 5 (punishment of accessories to offences of causing or attempting to cause explosions or making or possessing explosives).
- 12** An offence under section 1 of the Infanticide Act (Northern Ireland) 1939 (infanticide).
- 13** An offence under section 25 of the Criminal Justice Act (Northern Ireland) 1945 (child destruction).
- 14** An offence under either of the following provisions of the Theft Act (Northern Ireland) 1969—
- (a) section 8 (robbery);
  - (b) section 10 (aggravated burglary).
- 15** An offence under section 1 of the Biological Weapons Act 1974 (developing certain biological agents and toxins or biological weapons).
- 16.**—(1) An offence of arson under Article 3 of the Criminal Damage (Northern Ireland) Order 1977.
- (2) An offence under Article 3(2) of that Order (destruction or damage of property with intent or recklessness as to endangerment of life) other than an offence of arson.
- 17** An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).
- 18** An offence under any of the following provision of the Aviation Security Act 1982—
- (a) section 1 (hijacking);
  - (b) section 2 (destroying, damaging or endangering safety of aircraft);
  - (c) section 3 (other acts endangering or likely to endanger safety of aircraft);
  - (d) section 6(2) (inducing or assisting the commission of offences relating to safety of aircraft).
- 19** An offence under either of the following provisions of the Nuclear Material (Offences) Act 1983—
- (a) section 1B (offences relating to damage to the environment);
  - (b) section 2 (preparatory acts and threats).
- 20** An offence under section 134 of the Criminal Justice Act 1988 (torture).
- 21** An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—

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- (a) section 1 (endangering safety at aerodromes);
  - (b) section 9 (hijacking of ships);
  - (c) section 10 (seizing or exercising control of fixed platforms);
  - (d) section 11 (destroying ships or fixed platforms or endangering their safety);
  - (e) section 12 (other acts endangering or likely to endanger safe navigation);
  - (f) section 13 (offences involving threats);
  - (g) section 14(4) (inducing or assisting the commission of offences relating to hijacking of ships, or destroying ships or fixed platforms or endangering their safety).
- 22** An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).
- 23** An offence under either of the following provisions of the Chemical Weapons Act 1996—
- (a) section 2 (use etc of chemical weapons);
  - (b) section 11 (premises or equipment for producing chemical weapons).
- 24** An offence under section 58 or 59 of the International Criminal Court Act 2001 (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.
- 25** An offence under either of the following provisions of the Anti-Terrorism, Crime and Security Act 2001—
- (a) section 47 (use etc of nuclear weapons);
  - (b) section 50 (assisting or inducing certain weapons-related acts overseas).
- 26** An offence under any of the following provisions of the Firearms (Northern Ireland) Order 2004—
- (a) Article 58(1) (possession of firearm with intent to endanger life etc);
  - (b) Article 59(1) (use of firearm to resist arrest);
  - (c) Article 59(2) (possession of firearm while committing other offence);
  - (d) Article 60 (carrying a firearm with criminal intent).
- 27** An offence under either of the following provisions of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015—
- (a) section 1 (slavery, servitude and forced or compulsory labour);
  - (b) section 2 (human trafficking).
- 28** An offence under any of the following provisions of Schedule 4 to the Space Industry Act 2018—
- (a) paragraph 1 (hijacking of spacecraft);
  - (b) paragraph 2 (destroying, damaging or endangering the safety of spacecraft);
  - (c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft);
  - (d) paragraph 4 (endangering safety at spaceports).

## PART 4

### Terrorism offences in Northern Ireland punishable with imprisonment for more than two years (but not life)

- 29** An offence under any of the following provisions of the Terrorism Act 2000—

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- (a) section 11 (membership of a proscribed organisation);
- (b) section 12 (inviting or expressing support for a proscribed organisation);
- (c) section 15 (fund-raising);
- (d) section 16 (use of money or property for terrorist purposes);
- (e) section 17 (involvement in terrorist funding arrangements);
- (f) section 17A (insuring payments made in response to terrorist threats);
- (g) section 18 (laundering of terrorist property);
- (h) section 19 (failure to disclose professional belief or suspicion about terrorist offences);
- (i) section 21A (failure in regulated sectors to disclose knowledge or suspicion about terrorist offences);
- (j) section 38B (failure to disclose information about acts of terrorism);
- (k) section 39 (disclosure of information prejudicial to a terrorist investigation etc);
- (l) section 57 (possession of article for terrorist purposes);
- (m) section 58 (collection of information likely to be of use to a terrorist);
- (n) section 58A (publishing information about members of the armed forces etc);
- (o) section 58B (entering or remaining in a designated area);
- (p) section 60 (inciting terrorism overseas), in the case of an offence which is an offence by virtue of the reference in subsection (2)(c) of that section to an offence under section 23 of the Offences against the Person Act 1861.

**30** An offence under section 113 of the Anti-terrorism, Crime and Security Act 2001 (use of noxious substance or thing to cause harm or intimidate).

**31** An offence under any of the following provisions of the Terrorism Act 2006—

- (a) section 1 (encouragement of terrorism);
- (b) section 2 (dissemination of terrorist publications);
- (c) section 8 (attendance at a place used for terrorist training).

**32** An offence under section 54 of the Counter-Terrorism Act 2008 (breach of police notification requirements etc).

**33** An offence under section 23 of the Terrorism Prevention and Investigation Measures Act 2011 (breach of notices imposing terrorism prevention and investigation measures).

**34** An offence under section 10 of the Counter-Terrorism and Security Act 2015 (breach of temporary exclusion order).

## **PART 5**

### **Terrorism offences only in other parts of the United Kingdom punishable with imprisonment for life**

**35** An offence under either of the following provisions of the Terrorism Act 2000—

- (a) section 59 (inciting terrorism overseas: England and Wales), other than an offence which is an offence by virtue of subsection (2)(c) of that section;
- (b) section 61 (inciting terrorism overseas: Scotland).

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## PART 6

### Other offences only in other parts of the United Kingdom punishable with imprisonment for life

- 36** Culpable homicide (under the law of Scotland).
- 37** Abduction (under the law of Scotland).
- 38** Assault by explosive device (under the law of Scotland).
- 39** Assault to severe injury (under the law of Scotland).
- 40** Assault and poisoning (under the law of Scotland).
- 41** Poisoning (under the law of Scotland).
- 42** Robbery (under the law of Scotland).
- 43** Assault with intent to rob (under the law of Scotland).
- 44** Wilful fire-raising (under the law of Scotland).
- 45** Malicious mischief (under the law of Scotland).
- 46** An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).
- 47** An offence under section 1 of the Infanticide Act 1938 (infanticide).
- 48** An offence under any of the following provisions of the Firearms Act 1968—
  - (a) section 16 (possession of firearm with intent to endanger life);
  - (b) section 17(1) (use of firearm to resist arrest);
  - (c) section 17(2) (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act);
  - (d) section 18 (carrying a firearm with criminal intent).
- 49** An offence under either of the following provisions of the Theft Act 1968—
  - (a) section 8 (robbery or assault with intent to rob);
  - (b) section 10 (aggravated burglary).
- 50.**—(1) An offence of arson under section 1 of the Criminal Damage Act 1971.  
(2) An offence under section 1(2) of that Act (destruction or damage of property with intent or recklessness as to endangerment of life) other than an offence of arson.
- 51** An offence under section 51 or 52 of the International Criminal Court Act 2001 (genocide, crimes against humanity, war crimes and related offences: England and Wales), other than one involving murder.
- 52** An offence under section 1 or 2 of the International Criminal Court (Scotland) Act 2001 (asp 13) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.
- 53** An offence under either of the following provisions of the Modern Slavery Act 2015—
  - (a) section 1 (slavery, servitude and forced or compulsory labour);
  - (b) section 2 (human trafficking).
- 54** An offence under either of the following provisions of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12)—



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- (a) section 1 (human trafficking);
- (b) section 4 (slavery, servitude and forced or compulsory labour).

## PART 7

### Terrorism offences only in other parts of the United Kingdom punishable with imprisonment for more than two years (but not life)

**55** An offence under section 59 of the Terrorism Act 2000 (inciting terrorism overseas: England and Wales), in the case of an offence which is an offence by virtue of the reference in subsection (2) (c) of that section to an offence under section 23 of the Offences against the Person Act 1861.]

## SCHEDULE 3

Article 45.

### SUPERVISED ACTIVITY ORDERS: FURTHER PROVISIONS

#### *Restrictions on power to make order*

1. A court shall not make a supervised activity order in respect of any offender unless—
  - (a) the court has been notified by the Secretary of State that arrangements exist for persons who reside in the [<sup>F28</sup>locality] in which the offender resides<sup>F29</sup>... to carry out the requirements of a supervised activity order [<sup>F30</sup>and the notice has not been withdrawn]; and
  - (b) the court is satisfied that provision can be made under those arrangements for the offender to carry out the requirements of the order which the court proposes to make.

#### Textual Amendments

- F28** Word in Sch. 3 para. 1 substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 136(5)(a) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)
- F29** Words in Sch. 3 para. 1(a) omitted (1.6.2018) by virtue of Justice Act (Northern Ireland) 2016 (c. 21), ss. 29(2), 61(2) (with s. 29(12)); S.R. 2018/99, art. 2(a)
- F30** Words in Sch. 3 para. 1(a) inserted (1.1.2012) by Justice Act (Northern Ireland) 2011 (c. 24), ss. 110(1), 111, Sch. 7 para. 14 (with s. 106(4)); S.R. 2011/370, art. 3

#### *Making of order*

2.—<sup>F31</sup>(1) .....

(2) Where, whether on the same occasion or on separate occasions, an offender is made subject to more than one supervised activity order, the court may direct that the requirements specified in any of those orders shall be concurrent with or additional to those specified in any other of those orders.

(3) But at no time shall the offender have an outstanding number of hours during which the offender is to carry out the requirements of those orders in excess of the largest number specified in Article [<sup>F32</sup>45(4)] .

#### Textual Amendments

- F31** Sch. 3 para. 2(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 136(5)(b), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

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**F32** Word in Sch. 3 para. 2(3) substituted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), **ss. 29(3), 61(2)** (with s. 29(12)); S.R. 2018/99, art. 2(a)

F33  
...

**Textual Amendments**  
**F33** Sch. 3 para. 3 cross-heading omitted (1.6.2018) by virtue of [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), **ss. 29(4), 61(2)** (with s. 29(12)); S.R. 2018/99, **art. 2(a)**

**3.—(1)** Sub-paragraphs (2) to (5) apply where a supervised activity order [<sup>F34</sup>is made] in relation to an offender.

(2) The court which made the order shall as soon as practicable give a copy of the order to a probation officer assigned to the court.

(3) That probation officer shall send copies of the order to—

- (a) the offender; and
- (b) the supervising officer.

<sup>F35</sup>(4) .....

(5) The supervising officer shall as soon as practicable give the offender an explanation in ordinary language—

- (a) of the purpose and effect of the order and in particular the obligations on the offender as specified in paragraph 4;
- (b) of the consequences under paragraph 5 of failure to comply with any of the requirements mentioned there; and
- (c) that the appropriate court has, under paragraph 6, power to review the order on the application of the offender or the supervising officer.

**Textual Amendments**  
**F34** Words in Sch. 3 para. 3(1) substituted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), **ss. 29(4), 61(2)** (with s. 29(12)); S.R. 2018/99, art. 2(a)  
**F35** Sch. 3 para. 3(4) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), Sch. 1 para. 136(5)(c), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

*Requirements of order*

**4.—(1)** An offender in respect of whom a supervised activity order is in force shall—

- (a) report to the supervising officer; and
- (b) notify the officer without delay of any change of address or in the times, if any, at which the offender usually works (or carries out voluntary work) or attends a school or other educational establishment.

(2) Subject to paragraph 6(1), instructions given under a supervised activity order shall be carried out during the period of 12 months beginning with the date of the order; but, unless revoked, the order shall remain in force until [<sup>F36</sup>it is discharged in accordance with Article 45(8) ] .

(3) The instructions given by the supervising officer under the order shall, so far as practicable, be such as to avoid—

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- (a) any conflict with the offender's religious beliefs; and
- (b) any interference with the times, if any, at which the offender normally works (or carries out voluntary work) or attends a school or other educational establishment.

#### Textual Amendments

**F36** Words in Sch. 3 para. 4(2) substituted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), ss. 29(5), 61(2) (with s. 29(12)); S.R. 2018/99, art. 2(a)

### *Failure to comply with order*

5.—(1) If at any time while a supervised activity order is in force in respect of any offender it appears, on complaint to a lay magistrate, that the offender has failed to comply with any of the requirements of paragraph 4 or of the order (including any failure satisfactorily to carry out any instructions which the offender has been given by the supervising officer under the order), [<sup>F37</sup>or that the offender, having chosen to pay the outstanding amount, is in default on the payment,] the lay magistrate may—

- (a) issue a summons requiring the offender to appear before the appropriate court at a time specified in the summons; or
  - (b) if the complaint is in writing and on oath, issue a warrant for the offender to be arrested and brought before the appropriate court.
- (2) If—
- (a) a warrant is issued under sub-paragraph (1) requiring an offender to be brought before the Crown Court; and
  - (b) the offender cannot forthwith be brought before the Crown Court because it is not being held

the warrant shall have effect as if it directed the offender to be brought before a magistrates' court <sup>F38</sup>....

(3) Where an offender is brought before a magistrates' court in pursuance of sub-paragraph (2), that court shall commit the offender in custody or on bail to the Crown Court.

(4) If it is proved to the satisfaction of the appropriate court before which an offender appears or is brought under this paragraph that the offender has failed without reasonable excuse to comply with any of the requirements of paragraph 4 or of the order (including any failure satisfactorily to carry out any instructions which the offender has been given by the supervising officer under the order) [<sup>F39</sup>or that the offender is in default as mentioned in sub-paragraph (1), ] the court may—

- [<sup>F40</sup>(a) revoke the order and impose such period of imprisonment not exceeding 35 days as the court considers appropriate;]
- (b) subject to Article [<sup>F41</sup>45(4)] and paragraph 2(3), vary the number of hours specified in the order.

[<sup>F42</sup>(5) Section 13(7A) of the Prison Act (Northern Ireland) 1953 prevents prison rules from providing for the grant of remission to an offender in respect of a period of imprisonment imposed under sub-paragraph (4).]

#### Textual Amendments

**F37** Words in Sch. 3 para. 5(1) inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), ss. 29(6), 61(2) (with s. 29(12)); S.R. 2018/99, art. 2(a)

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- F38** Words in Sch. 3 para. 5(2) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 136\(5\)\(d\), Sch. 9 Pt. 1](#) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
- F39** Words in Sch. 3 para. 5(4) inserted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\), ss. 29\(7\)\(a\), 61\(2\)](#) (with s. 29(12)); S.R. 2018/99, art. 2(a)
- F40** Sch. 3 para. 5(4)(a) substituted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\), ss. 29\(7\)\(b\), 61\(2\)](#) (with s. 29(12)); S.R. 2018/99, art. 2(a)
- F41** Word in Sch. 3 para. 5(4)(b) substituted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\), ss. 29\(3\), 61\(2\)](#) (with s. 29(12)); S.R. 2018/99, art. 2(a)
- F42** Sch. 3 para. 5(5) inserted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\), ss. 32\(2\), 61\(2\)](#) (with s. 32(4)); S.R. 2018/99, art. 2(a)

*Amendment, extension or revocation of order*

6.—(1) On the application of the offender or of the supervising officer in relation to a supervised activity order, the appropriate court may—

- (a) extend, in relation to the order, the period of 12 months specified in paragraph 4(2);
- (b) subject to Article <sup>F43</sup>45(4) and paragraph 2(3), vary the number of hours specified in the order;
- (c) revoke the order; or
- <sup>F44</sup>(d) revoke the order and impose such period of imprisonment not exceeding 35 days as the court considers appropriate;

<sup>F45</sup>(1A) Section 13(7A) of the Prison Act (Northern Ireland) 1953 prevents prison rules from providing for the grant of remission to an offender in respect of a period of imprisonment imposed under sub-paragraph (1)

<sup>F46</sup>(2) .....

(3) Where the court proposes to exercise its powers under sub-paragraph (1)(a), (b) or (d) otherwise than on the application of the offender, the court—

- (a) shall summon the offender to appear before the court, and
- (b) if the offender does not appear in answer to the summons, may issue a warrant for the offender's arrest.

(4) If the appropriate court is a magistrates' court and it amends or revokes an order, the court shall as soon as practicable <sup>F47</sup>give a copy of the amending order to the supervising officer].

<sup>F48</sup>(5) .....

**Textual Amendments**

- F43** Word in Sch. 3 para. 6(1)(b) substituted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\), ss. 29\(3\), 61\(2\)](#) (with s. 29(12)); S.R. 2018/99, art. 2(a)
- F44** Sch. 3 para. 6(1)(d) substituted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\), ss. 29\(8\), 61\(2\)](#) (with s. 29(12)); S.R. 2018/99, art. 2(a)
- F45** Sch. 3 para. 6(1A) inserted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\), ss. 32\(3\), 61\(2\)](#) (with s. 32(4)); S.R. 2018/99, art. 2(a)
- F46** Sch. 3 para. 6(2) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 136\(5\)\(e\), Sch. 9 Pt. 1](#) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
- F47** Words in Sch. 3 para. 6(4) substituted (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 136\(5\)\(f\)](#) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

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**F48** Sch. 3 para. 6(5) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 136(5)(g), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

### *Rules*

7.—(1) The Secretary of State may make rules for regulating the carrying out of the requirements of supervised activity orders.

- (2) Without prejudice to the generality of sub-paragraph (1), rules under this paragraph may—
- (a) limit the number of hours during which the requirements of an order are to be met on any one day;
  - (b) make provision as to the reckoning of time for the purposes of the carrying out of those requirements;
  - (c) make provision for the types of activity to be available for the purposes of carrying out those requirements;
  - (d) make provision for the payment of travelling and other expenses in connection with the carrying out of those requirements;
  - (e) provide for records to be kept of what has been done by any person carrying out those requirements;
  - (f) make provision for the assignment of a supervising officer in relation to a supervised activity order.

### *Interpretation*

8.—(1) In this Schedule “the appropriate court”, in relation to a supervised activity order, means—

- (a) if the Crown Court made the order, the Crown Court;
- (b) if a magistrates' court made the order, a magistrates' court<sup>F49</sup>...

(2) Where a supervised activity order is made on appeal, the order shall be treated as if made by the court from which the appeal was brought.

#### **Textual Amendments**

**F49** Words in Sch. 3 para. 8(1)(b) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 136(5)(h), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

## SCHEDULE 4

Article 46.

### THE PAROLE COMMISSIONERS

#### *Appointment*

1.—(1) The [<sup>F50</sup>Department of Justice] shall appoint Parole Commissioners.

- (2) The [<sup>F50</sup>Department of Justice] 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—

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- (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 [F50Department of Justice] to have knowledge and experience of the supervision or aftercare of discharged prisoners;
  - (e) at least one is a person appearing to the [F50Department of Justice] to have knowledge and experience of working with victims of crime; and
  - (f) at least one is a person appearing to the [F50Department of Justice] 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 [F50Department of Justice] shall appoint a Chief Commissioner from among the Commissioners.
- (5) The [F50Department of Justice] may appoint a deputy Chief Commissioner from among the Commissioners.

#### Textual Amendments

**F50** Words in Sch. 4 para. 1 substituted (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(2) (with arts. 28-31); S.I. 2010/977, art. 1(2)

#### 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 [F51Department of Justice].

#### Textual Amendments

**F51** Words in Sch. 4 para. 2 substituted (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(2) (with arts. 28-31); S.I. 2010/977, art. 1(2)

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3. The [<sup>F52</sup>Department of Justice] 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.

#### Textual Amendments

**F52** Words in Sch. 4 para. 3 substituted (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(2) (with arts. 28-31); S.I. 2010/977, art. 1(2)

#### Rules

4.—(1) The [<sup>F53</sup>Department of Justice] 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 [<sup>F53</sup>Department of Justice] copies of such documents as the rules may specify;
  - (ii) requiring the [<sup>F53</sup>Department of Justice] to provide specified information to the Commissioners;
  - (iii) for the giving of evidence by or on behalf of the [<sup>F53</sup>Department of Justice], 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 [<sup>F53</sup>Department of Justice] 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.



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(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.

(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.

#### Textual Amendments

**F53** Words in Sch. 4 para. 4 substituted (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(2) (with arts. 28-31); S.I. 2010/977, art. 1(2)

[<sup>F54</sup>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

**F54** 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)



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### *Remuneration and allowances*

5.—(1) The [<sup>F55</sup>Department of Justice] shall pay to or in respect of a Commissioner such remuneration, fees and allowances as the [<sup>F55</sup>Department of Justice] thinks fit.

(2) If a Commissioner resigns in accordance with paragraph 2(b), the [<sup>F55</sup>Department of Justice] may pay the Commissioner compensation if in the [<sup>F56</sup>Department of Justice's] opinion special circumstances make it appropriate.

#### **Textual Amendments**

**F55** Words in Sch. 4 para. 5 substituted (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(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**F56** Words in Sch. 4 para. 5 substituted (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(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

### *Staff, premises, etc.*

6. The [<sup>F57</sup>Department of Justice] shall provide for the Commissioners the services of such staff, and the use of such premises and other facilities, as the [<sup>F57</sup>Department of Justice] thinks appropriate.

#### **Textual Amendments**

**F57** Words in Sch. 4 para. 6 substituted (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(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

### *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 [<sup>F58</sup>Department of Justice] on the performance of the Commissioners' functions during the year.

[<sup>F59</sup>(2) The Department of Justice shall lay a copy of the report before the Assembly.]

#### **Textual Amendments**

**F58** Words in Sch. 4 para. 7(1) substituted (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(5)(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**F59** Sch. 4 para. 7(2) substituted (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(5)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

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## 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.

(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**

- II** 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);

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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.”

### *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) ”.

**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 05 June 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

(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); (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.

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

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## 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).

## 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.

**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 05 June 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. 5 para. 7(6) repealed by [S.I. 2008/1216 \(N.I.\) Sch. 6 Pt. 1](#)
- art. 13 excluded by [2016 c. 18 \(N.I.\) s. 170\(1\)s. 170\(2\)\(c\)](#)
- art. 14 excluded by [2016 c. 18 \(N.I.\) s. 170\(1\)s. 170\(2\)\(c\)](#)
- art. 34 repealed by [S.I. 2008/1216 \(N.I.\) Sch. 6 Pt. 1](#)
- art. 35(1)(b)(iv) repealed by [S.I. 2008/1216 \(N.I.\) Sch. 6 Pt. 1](#)
- art. 35(3) repealed by [S.I. 2008/1216 \(N.I.\) Sch. 6 Pt. 1](#)
- art. 45(5)(6) words inserted by [2011 c. 24 \(N.I.\) s. 58\(3\)](#)
- art. 45(7) words added by [2011 c. 24 \(N.I.\) s. 58\(4\)](#)
- art. 91A91B inserted by [2009 c. 25 Sch. 16 para. 6](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 Pt. 1 para. 31A renumbered as 31(B) by [2022 c. 19 \(N.I.\) Sch. 4 para. 3\(a\)](#)
- art. 19(1A) inserted by [2015 c. 9 \(N.I.\) s. 82](#)
- art. 45(1A) inserted by [2011 c. 24 \(N.I.\) s. 58\(2\)](#)