STATUTORY RULES OF NORTHERN IRELAND

2019 No. 131

JUSTICE

The Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 2019

Made - - - -	*9th July 2019*
Coming into operation	*1st August 2019*

The Department of Justice makes the following Order, in exercise of the powers conferred by section 35(4) of the Criminal Justice Act 1988 (**1**), and now vested in it (**2**).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 2019 and shall come into operation on 1st August 2019.

(2) "The 1988 Act" means the Criminal Justice Act 1988.

Part 4 of the 1988 Act

2. Part 4 of the 1988 Act (Reviews of Sentencing) shall apply to any case in which sentence is passed on a person for any of the following offences-

(a) an offence under section 67 of the Medicines Act 1968 (**3**) (unauthorised sale of medicinal products etc.);

(b) an offence under section 1 of the Protection of Persons and Property Act (Northern Ireland) 1969 (**4**) (intimidation);

(c) an offence under section 24A of the Immigration Act 1971 (**5**) (deception);

(**1**) 1988 c.33, section 35 was amended by the Criminal Justice and Public Order Act 1994 (c.33), section 168(1) and Schedule 9, paragraph 34 and, in its application to Northern Ireland, section 35 was amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), article 12 and Schedule 14, paragraphs 29 and 30

(**2**) Article 12 of and paragraphs 29 and 30 of Schedule 14 to the Northern Ireland 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976) transferred the functions of the Secretary of State under section 35(4) of the 1988 Act (in its application to Northern Ireland) to the Department of Justice in Northern Ireland

(**3**) 1968 c.67, sections 67(1A) and 67(1B) were inserted by section 63(7)(a) of the Health and Social Care Act 2001 (c.15), section 67 was amended by the Human Medicines Regulations 2012 (S.I. 2012/1916)

(**4**) 1969 c.29 (N.I.)

(**5**) 1971 c.77, section 24A was inserted by section 28 of the Immigration and Asylum Act 1999 (c.33) the most recent relevant amendment to which is that section 24A(4) was repealed by section 156 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002 (c.41)

(d) an offence under sections 25 to 25B of the Immigration Act 1971 (**6**) (offences relating to unlawful immigration);

(e) an offence under section 26A or 26B of the Immigration Act 1971 (**7**) (registration card and, possession of immigration stamp);

(f) an offence under section 5(2) of the Misuse of Drugs Act 1971 (**8**) (possession of controlled drug);

(g) an offence under section 8 of the Misuse of Drugs Act 1971 (occupiers etc., of premises to be punishable for permitting certain activities to take place there);

(h) an offence under section 23(4) of the Misuse of Drugs Act 1971 (obstructing powers of search for controlled drugs);

(i) an offence under Article 3 of the Criminal Law Amendment (Northern Ireland) Order 1977 (**9**) (bomb hoaxes);

(j) offences under Article 3(1) and 3(1)(3) of the Criminal Damage (Northern Ireland) Order 1977 (**10**) (destroying or damaging property);

(k) an offence under Article 4(a) of the Criminal Damage (Northern Ireland) Order 1977 (threats to damage);

(l) an offence under Article 5 of the Criminal Damage (Northern Ireland) Order 1977 (possessing things with intent to damage);

(m) an offence under sections 1 to 5 of the Forgery and Counterfeiting Act 1981 (**11**) (forgery, copying false instrument, using false instrument, using a copy of a false instrument and, offences relating to money orders, share certificates, passports, etc.);

(n) an offence under sections 14 to 17 of the Forgery and Counterfeiting Act 1981 (offences relating to counterfeit notes and coins and counterfeiting materials and implements);

(o) an offence under section 4 of the Aviation Security Act 1982 (**12**) (offences in relation to certain dangerous articles);

(p) an offence under Article 9 of the Public Order (Northern Ireland) Order 1987 (**13**) (use of words or behaviour or display of written material);

(q) an offence under Article 22 of the Public Order (Northern Ireland) Order 1987 (**14**) (carrying of offensive weapon in public place);

(r) an offence under section 107 of the Copyright Designs and Patents Act 1988 (**15**) (criminal liability for making or dealing with infringing articles, etc.);

(s) an offence under sections 198(1) and 198(1A) of the Copyright Designs and Patents Act 1988 (**16**) (criminal liability for making, dealing with or using illicit recordings);

(**6**) 1971 c.77, sections 25 to 25C substituted for section 25 by the Nationality, Immigration and Asylum Act 2002 (c.41). Relevant amendments were made to sections 25(1)(a) and 25(1)(b) by paragraph 2 of Schedule 14 to the Immigration Act 2016 (c.19)

(**7**) 1971 c.77, section 26A was inserted by section 148 of the Nationality, Immigration and Asylum Act 2002 (c.41), section 26A(1)(b) was substituted by the Immigration (Registration Card) Order 2008 (S.1. 2008/1693). Section 26B was inserted by section 149 of the Nationality, Immigration and Asylum Act 2002 (c.41)

(**8**) 1971 c.38

(**9**) S.I. 1977/1249 (N.I. 16)

(**10**) S.I. 1977/426 (N.I. 4)

(**11**) 1981 c.45 to which the most recent relevant amendment was made by the Identity Cards Act 2006 (c. 15)

(**12**) 1982 c.36

(**13**) S.I. 1987/463 (N.I. 7)

(**14**) S.I. 1987/463 (N.I. 7), Article 22 was amended by the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 N.I.)

(**15**) 1988 c.48, to which the most recent relevant amendments were made by section 32(2) of the Digital Economy Act 2017 (2017 c.30)

(**16**) 1988 c.48, to which the most recent relevant amendments were made by sections 32(4) and 32(5) of the Digital Economy Act 2017 (c.30)

(t) an offence under section 92 of the Trade Marks Act 1994 (**17**) (unauthorised use of trade mark, etc., in relation to goods);

(u) an offence under Article 47 of the Criminal Justice (Northern Ireland) Order 1996 (**18**) (intimidation, etc., of witnesses, jurors and others);

(v) an offence under section 66 of the Police (Northern Ireland) Act 1998 (**19**) (assaults on, and obstruction of, constables, etc.);

(w) an offence under section 55 of the Data Protection Act 1998 (**20**) (unlawful obtaining etc., of personal data);

(x) an offence under section 83 of the Postal Services Act 2000 (**21**) (interfering with the mail: postal operators);

(y) an offence under section 85 of the Postal Services Act 2000 (prohibition on sending certain articles by post);

(z) an offence under section 11 or 12 of the Terrorism Act 2000 (**22**) (offences relating to proscribed organisations);

(aa) an offence under sections 15 to 18 of the Terrorism Act 2000 (**23**) (offences relating to terrorist property);

(bb) an offence under section 19 of the Terrorism Act 2000 (disclosure of information: duty);

(cc) an offence under section 21A of the Terrorism Act 2000 (**24**) (failure to disclose: regulated sector);

(dd) an offence under section 21D of the Terrorism Act 2000 (**25**) (tipping off in course of regulated sector business);

(ee) an offence under section 23 of, and paragraph 37 of Schedule 4 to, the Terrorism Act 2000 (breach of High Court restraint order);

(ff) an offence under section 38B of the Terrorism Act 2000 (**26**) (information about acts of terrorism);

(gg) an offence under section 39 of the Terrorism Act 2000 (disclosure of information etc.);

(hh) an offence under section 54 of the Terrorism Act 2000 (**27**) (weapons training);

(ii) an offence under sections 57 to 58A of the Terrorism Act 2000 (**28**) (possessing things, collecting information and, eliciting, publishing, or communicating information about members of armed forces etc.);

(jj) an offence under section 113 of the Anti-Terrorism, Crime and Security Act 2001 (**29**) (use of noxious substances or things to cause harm and intimidate);

(**17**) 1994 c.26
(**18**) 1996/3160 (N.I. 24), Article 47 was amended by the Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789) (N.I. 8)
(**19**) 1998 c.32, to which the most recent relevant amendments were made by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976)
(**20**) 1998 c.29, Act repealed by the Data Protection Act 2018 (c.12)
(**21**) 2000 c.26
(**22**) 2000 c.11
(**23**) 2000 c.11, section 17A inserted by section 42(1) of the Counter-Terrorism and Security Act 2015 (c.6)
(**24**) 2000 c.11, section 21(A) was inserted by the Anti-Terrorism, Crime and Security Act 2001. Section 21(A)(2) was amended by paragraph 3(2) of Schedule 1 to the Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398)
(**25**) 2000 c.11, section 21D inserted by paragraph 5 of Schedule 1 to the Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398)
(**26**) 2000 c.11, section 38B was inserted by the Anti-Terrorism, Crime and Security Act 2001 (c. 24)
(**27**) 2000 c.11, section 54 to which the most recent amendment was made by the Criminal Justice and Courts Act 2015 (c.2)
(**28**) 2000 c.11, section 58A inserted by section 76(1)(2) of the Counter-Terrorism Act 2008 (c.28)
(**29**) 2001 c.24, relevant amendment was made to section 113 by section 34(b) of the Terrorism Act 2006 (c.11)