Changes to legislation: *The Criminal Justice (Northern Ireland) Order 1986 is up to date with all changes known to be in force on or before 18 March 2022. 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*

STATUTORY INSTRUMENTS

1986 No. 1883 (N.I. 15)

The Criminal Justice (Northern Ireland) Order 1986

- - - - - - *5th November 1986*

Introductory

Title and commencement

1.—(1) This Order may be cited as the Criminal Justice (Northern Ireland) Order 1986.

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

Interpretation

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

(2) In this Order "statutory provision" has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

Mode of trial

Indictable offences which may be dealt with summarily upon consent of the accused

3.—(1) Articles 45 and 46 of the Magistrates' Courts (Northern Ireland) Order 1981 (summary trial of certain indictable offences) shall apply to the offences specified in Schedule 1 to this Order as they apply to the offences specified in Schedule 2 of that Order of 1981.

(2) The Schedule set out in Schedule 2 to this Order shall be substituted for Schedule 2 to that Order of 1981.

Offences made punishable on summary conviction only

4.—(1) The offences punishable on conviction on indictment or on summary conviction specified in column 1 of Schedule 3 shall be punishable on summary conviction only and the statutory provisions specified in column 2 of that Schedule shall have effect subject to the amendments specified in column 3.

(2) The amendments mentioned in paragraph (1) have the effect of altering the maximum penalties available on summary conviction of the offences specified in column 1 of Schedule 3 as well as making alterations consequential on their becoming offences punishable on summary conviction only; and in that Schedule column 4 shows the present maximum penalties by way of fine or imprisonment on summary conviction and on conviction on indictment and column 5 shows the new maximum penalties resulting from the amendments.

Art. 5 rep. by 1998 NI 9

Art. 6 rep. by 1994 NI 15

Art. 7 rep. by 1996 NI 24

Removal of prisoners to hospital for medical investigation, etc.

8. In section 16 of the Prison Act (Northern Ireland) 1953 (removal of prisoners for judicial and other purposes)—

(a) in subsection (2)—

(i) after the word "requires" there shall be inserted the words " medical investigation or observation or ";

(ii) after the words "of the" there shall be inserted the words " investigation, observation or ";

(b) in subsection (4) after the words "prison for" there shall be inserted the words " medical investigation or observation or ".

Forgery and counterfeiting

9. In Article 31(1)(m) of the Health and Safety at Work (Northern Ireland) Order 1978 (using a document with intent to deceive) the words "forges or" shall cease to have effect.

Wrongful taking possession, or use, of premises

10.—(1) Any person who enters any premises with intent wrongfully to take possession of, or use, those premises shall be guilty of an offence.

(2) Any person who is on any premises after having entered the premises with intent wrongfully to take possession of, or use, the premises is guilty of an offence if he fails to leave the premises on being required to do so by or on behalf of the person lawfully entitled to possession of the premises.

(3) In any proceedings for an offence under this Article it shall be a defence for the person charged to prove that he acted under a bona fide and reasonable belief that by virtue of an estate vested in him or by virtue of a contract or licence he was lawfully entitled to enter, or continue in possession of, or use the premises, as the case may require, in respect of which the offence is alleged to have been committed.

(4) Where a person found guilty of an offence under this Article continues in possession of the premises in respect of which the offence has been committed, the court by which he is convicted shall order the issue of a warrant directing that the person appearing to it to be lawfully entitled to possession of the premises be put into such possession.

(5) A court which makes an order under paragraph (4) may stay or suspend the issue of the warrant for such period or periods as it thinks fit; so, however, that the court shall not stay or suspend for more than 3 months the issue of a warrant for possession of premises which are required for the execution of the functions of—

(a) a Minister of the Crown or a Northern Ireland department;

(b) a district council or a joint committee appointed by 2 or more district councils;

(c) a body established under any statutory provision;

(d) a housing association registered under Article 124 of the Housing (Northern Ireland) Order 1981.

(6) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(7) Nothing in this Article or in any warrant issued under this Article shall prejudice or affect the right of any person to take any civil proceedings or other action in respect of any premises or otherwise prejudice or affect the lawful title of any person to any premises or, without prejudice to the generality of the foregoing provisions of this paragraph, the right of any person in whom a right to possession of premises exists to resume the possession of the premises peaceably and without process of law.

(8) In this Article—

"premises" means any building or structure designed or adapted for residential purposes, any part of a building or structure being a part so designed or adapted or any land adjacent to such a building, structure or part which is used (or intended for use) in connection with that building, structure or part and includes any such building, structure or part in the course of construction;

"structure" includes any moveable structure or vehicle.

(9) In Article 4(b) of the Judgements Enforcement (Northern Ireland) Order 1981 (judgements to which that Order applies) for the words "section 1(2) of the Summary Jurisdiction (Miscellaneous Provisions) Act (Northern Ireland) 1946" there shall be substituted the words " Article 10(4) of the Criminal Justice (Northern Ireland) Order 1986 ".

Food and Drugs

Para. (1) rep. by 1989 NI 6

Paras. (2), (3) rep. by 1991 NI 7

Restriction on application of this Order

12. Nothing in any provision of this Order shall affect the mode of trial or, subject to Article 11(2), the punishment for an offence committed before that provision comes into operation.

Article 13—Amendments and repeals