Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Perjury (Northern Ireland) Order 1979. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1979 No. 1714 (N.I. 19)

Perjury (Northern Ireland) Order 1979

[19th December
- - - - - - 1979]

Title and commencement

1. This Order may be cited as the Perjury (Northern Ireland) Order 1979 … *Commencement* …

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—

"enactment" includes any provision in any Act of the Parliament of the United Kingdom or of the Parliament of Northern Ireland whether public, general, local or private, or in any Measure of the Assembly, and a provision in any rule, regulation, bye-law, order or other instrument made under any such Act or Measure;

"judicial proceeding" has the meaning assigned to it by Article 3(2);

"statutory declaration" means a declaration made by virtue of the Statutory Declarations Act 1835 , or of any Act of the Parliament of the United Kingdom or of the Parliament of Northern Ireland, Measure of the Assembly, Order in Council, order of the Secretary of State by virtue of paragraph 4(2) of Schedule 5 to the Northern Ireland Constitution Act 1973 , rule or regulation applying or extending the Statutory Declarations Act 1835.

(3) For the purposes of section 42(2) of the Northern Ireland Constitution Act 1973 (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

Perjury

3.—(1) Any person lawfully sworn as a witness or as an interpreter in a judicial proceeding who wilfully makes a statement material in that proceeding, which he knows to be false, or does not believe to be true, shall be guilty of perjury, and shall, on conviction on indictment, be liable to imprisonment for a term not exceeding seven years, or to a fine, or to both.

(2) The expression "judicial proceeding" includes a proceeding before any court, tribunal, or person having by law power to hear, receive, and examine evidence on oath.

(3) Where a statement made for the purposes of a judicial proceeding is not made before the tribunal itself, but is made on oath before a person authorised by law to administer an oath to the person who makes the statement, and to record or authenticate the statement, it shall, for the purposes of this Article, be treated as having been made in a judicial proceeding.

(4) A statement made by a person lawfully sworn in Northern Ireland for the purposes of a judicial proceeding—

(a) in another part of Her Majesty's dominions; or

(b) in a British tribunal lawfully constituted in any place by sea or land outside Her Majesty's dominions; or

(c) in a tribunal of any foreign state;

shall, for the purposes of this Article, be treated as a statement made in a judicial proceeding in Northern Ireland.

(5) The question whether a statement on which perjury is assigned was material is a question of law to be determined by the court at the trial.

Modifications etc. (not altering text)

C1 Art. 3 applied (with modifications) (10.5.2013 for specified purposes, 11.11.2013 for specified purposes, 1.4.2015 for specified purposes, 3.4.2017 for specified purposes) by The Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789), arts. 1(2), **17(7)** (with Sch. 2); S.R. 2013/126, art. 2; S.R. 2013/251, art. 2; S.R. 2015/157, art. 2; S.R. 2017/5, art. 2(b)

C2 Art. 3 applied by S.I. 1999/2789 (N.I. 8), art. 21BA(10) (as inserted (10.5.2013 for specified purposes, 11.11.2013 for specified purposes, 1.4.2015 for specified purposes, 3.4.2017 for specified purposes) by Justice Act (Northern Ireland) 2011 (c. 24), **ss. 12(1)**, 111(3); S.R. 2013/125, art. 2; S.R. 2013/252, art. 2; S.R. 2015/158, art. 2; S.R. 2017/6, art. 2)

C3 Art. 3 modified (31.7.2017) by The Criminal Justice (European Investigation Order) Regulations 2017 (S.I. 2017/730), regs. 1(1), **36(7)(b)** (with regs. 3, 36(1))

C4 Art. 3 modified (31.7.2017) by The Criminal Justice (European Investigation Order) Regulations 2017 (S.I. 2017/730), regs. 1(1), **37(6)(b)** (with regs. 3, 37(1))

C5 Art. 3 modified (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 27 para. 5(2)** (with ss. 88-90)

C6 Art. 3 modified (temp.) by S.I. 1981/1675 (N.I. 26), art. 76A(6) (as modified (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 27 para. 9** (with ss. 88-90))

False written statements tendered in evidence

4.—(1) Any person who in a written statement tendered in evidence in criminal proceedings by virtue of—

(a) section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 , or

[[F1](b) Article 33 of the Magistrates' Courts (Northern Ireland) Order 1981**]**

wilfully makes a statement material in those proceedings which he knows to be false, or does not believe to be true, shall be guilty of an offence.

(2) Any person who in a written statement made in Northern Ireland and tendered in evidence in the Republic of Ireland in any criminal proceedings wilfully makes a statement material in those proceedings which he knows to be false, or does not believe to be true, shall be guilty of an offence.

(3) A person guilty of an offence under paragraph (1) or (2) shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.

(4) This Article is without prejudice to Article 3, and paragraph (1) applies whether the written statement is made in Northern Ireland, Great Britain or the Republic of Ireland.

F1 1981 NI 26

False written statements tendered in evidence in courts-martial

5.—(1) Any person who in a written statement tendered in evidence in proceedings before a court-martial by virtue of section 9 of the Criminal Justice Act 1967 as extended by section 12 of that Act or by section 99A of the Army Act 1955 or section 99A of the Air Force Act 1955 wilfully makes a statement material in those proceedings which he knows to be false, or does not believe to be true, shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.

(3) Paragraph (1) is without prejudice to Article 3, and applies whether the written statement is made in Northern Ireland or elsewhere.

False unsworn statements under the Evidence (Proceedings in Other Jurisdictions) Act 1975

6. Any person who, in giving any testimony (either orally or in writing) otherwise than on oath, where required to do so by an order under section 2 of the Evidence (Proceedings in Other Jurisdictions) Act 1975 , makes a statement—

(a) which he knows to be false in a material particular, or

(b) which is false in a material particular and which he does not believe to be true,

shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.

False statements on oath made otherwise than in a judicial proceeding

7.—(1) Any person required or authorised by law to make any statement on oath for any purpose, and being lawfully sworn (otherwise than in a judicial proceeding) who wilfully makes a statement which is material for that purpose and which he knows to be false, or does not believe to be true, shall be guilty of an offence.

(2) Any person who wilfully uses any false affidavit for the purposes of—

(a) the Bills of Sale (Ireland) Acts 1879 and 1883; or

(b) any enactment relating to the registration of deeds or other documents; or

(c) any enactment relating to the registration of title to land,

shall be guilty of an offence.

(3) A person guilty of an offence under paragraph (1) or (2) shall be liable on conviction on indictment to imprisonment for a term not exceeding seven years, or to a fine, or to both.

False statements, etc., with reference to marriage[F2 or civil partnership]

8.—(1) Any person who—

(a) for the purpose of procuring a marriage or a certificate or licence for marriage, knowingly and wilfully makes a false oath or makes or signs a false declaration, notice or certificate required under any enactment relating to marriage or to the registration of marriages; or

(b) knowingly and wilfully makes, or knowingly and wilfully causes to be made, for the purpose of being inserted in any register of marriage, a false statement as to any particular required by law to be known and registered relating to any marriage; or

(c) forbids the issue of any certificate or licence for marriage by falsely representing himself to be a person whose consent to the marriage is required by law, knowing such representation to be false,

shall be guilty of an offence.

[F2(1A) Any person who—

(a) for the purpose of procuring the formation of a civil partnership or a document mentioned in paragraph (1B)—

(i) makes or signs a declaration required under Part 4 or 5 of the Civil Partnership Act 2004; or

(ii) gives a notice or certificate required under Part 4 or 5 of the Civil Partnership Act 2004,

knowing that the declaration, notice or certificate is false;

(b) for the purpose of a record being made in any register relating to civil partnerships—

(i) makes a statement as to any information which is required to be registered under Part 4 or 5 of the Civil Partnership Act 2004; or

(ii) causes such a statement to be made,

knowing that the statement is false;

(c) forbids the issue of a document mentioned in paragraph (1B)(a) or (b) by representing himself to be a person whose consent to a civil partnership between a child and another person is required under Part 4 or 5 of the Civil Partnership Act 2004, knowing the representation to be false,

shall be guilty of an offence.

(1B) The documents are–

(a) a civil partnership schedule;

(b) a document required by an Order in Council under section 210 or 211 of the Civil Partnership Act 2004 as an authority for two people to register as civil partners of each other;

(c) a certificate of no impediment under section 240 of the Civil Partnership Act 2004.**]**

(2) A person guilty of an offence under paragraph (1)**[**F2 or (1A)**]** shall be liable—

(a) on summary conviction to a fine not exceeding**[**F3 level 3 on the standard scale**]**;

(b) on conviction on indictment to imprisonment for a term not exceeding seven years, or to a fine, or to both.

F2 2004 c. 33
F3 1984 NI 3

False statements, etc., as to births or deaths

9.—(1) Any person who—

(a) wilfully makes any false answer to any question put to him by any registrar of births or deaths relating to the particulars required to be registered concerning any birth or death, or, wilfully gives to any such registrar any false information concerning any birth or death or the cause of any death; or

(b) wilfully makes any false certificate or declaration under or for the purposes of any enactment relating to the registration of births or deaths, or knowing any such certificate or declaration to be false, uses it as true or gives or sends it to any person as true; or