



# Criminal Justice Act (Northern Ireland) 1945

## 1945 CHAPTER 15

### PART II

#### PROVISIONS AS TO OFFENCES, SENTENCES, PENALTIES AND COSTS

##### OFFENCES

*S.24 rep. by 1969 c.15 (NI)*

#### **25 Punishment for child destruction.**

- (1) Subject as hereafter in this [<sup>F1</sup>section] provided, any person who, with intent to destroy the life of a child then capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother, shall be guilty of felony, to wit, of child destruction, and shall be liable on conviction thereof on indictment to penal servitude<sup>F2</sup> for life:

Provided that no person shall be found guilty of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.

[<sup>F3</sup>(1A) Subsection (1) does not apply to—

- (a) the pregnant woman herself; or
  - (b) a registered medical professional (within the meaning of the Abortion (Northern Ireland) (No. 2) Regulations 2020) who terminates a pregnancy in accordance with regulations 3 to 8 of those Regulations.]
- (2) For the purposes of this and the next succeeding section, evidence that a woman had at any material time been pregnant for a period of twenty-eight weeks or more shall be prima facie proof that she was at that time pregnant of a child then capable of being born alive.

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act (Northern Ireland) 1945. (See end of Document for details)*

[<sup>F4</sup>(3) Proceedings in respect of an offence under subsection (1) may be brought only by, or with the consent of, the Director of Public Prosecutions for Northern Ireland.]

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| <b>F1</b> | Word in s. 25(1) substituted (31.3.2020) by <a href="#">The Abortion (Northern Ireland) Regulations 2020 (S.I. 2020/345)</a> , regs. 1(b), <b>13(2)</b> (with reg. 15); and (14.5.2020) by <a href="#">The Abortion (Northern Ireland) (No. 2) Regulations 2020 (S.I. 2020/503)</a> , regs. 1(1)(b), <b>13(2)</b> (with reg. 15) |
| <b>F2</b> | 1953 c.14 (NI)   |
| <b>F3</b> | S. 25(1A) inserted (14.5.2020) by <a href="#">The Abortion (Northern Ireland) (No. 2) Regulations 2020 (S.I. 2020/503)</a> , regs. 1(1)(b), <b>13(3)</b> (with reg. 15)  |
| <b>F4</b> | S. 25(3) inserted (31.3.2020) by <a href="#">The Abortion (Northern Ireland) Regulations 2020 (S.I. 2020/345)</a> , regs. 1(b), <b>13(4)</b> (with reg. 15); and (14.5.2020) by <a href="#">The Abortion (Northern Ireland) (No. 2) Regulations 2020 (S.I. 2020/503)</a> , regs. 1(1)(b), <b>13(4)</b> (with reg. 15)            |

## 26 Provisions as to prosecution of offence of child destruction.

(1) Where upon the trial of any person for the murder or manslaughter of any child, or for infanticide, <sup>F5</sup>..., the jury are of opinion that the person charged is not guilty of murder, manslaughter or infanticide, <sup>F5</sup>..., as the case may be, but that he is shown by the evidence to be guilty of the [<sup>F6</sup> offence] of child destruction, the jury may find him guilty of that [<sup>F6</sup> offence], and thereupon the person convicted shall be liable to be punished as if he had been convicted upon an indictment for child destruction.

<sup>F7</sup>(2) .....

*Subs.(3) rep. by 1967 c.18 (NI)*  
*Subs.(4) rep. by 1989 NI 12*

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| <b>F5</b> | Words in s. 26(1) omitted (31.3.2020) by virtue of <a href="#">The Abortion (Northern Ireland) Regulations 2020 (S.I. 2020/345)</a> , regs. 1(b), <b>14(2)(a)</b> (with reg. 15); and (14.5.2020) by virtue of <a href="#">The Abortion (Northern Ireland) (No. 2) Regulations 2020 (S.I. 2020/503)</a> , regs. 1(1)(b), <b>14(2)(a)</b> (with reg. 15) |
| <b>F6</b> | 1967 c.18 (NI)  |
| <b>F7</b> | S. 26(2) omitted (31.3.2020) by virtue of <a href="#">The Abortion (Northern Ireland) Regulations 2020 (S.I. 2020/345)</a> , regs. 1(b), <b>14(2)(b)</b> (with reg. 15); and (14.5.2020) by virtue of <a href="#">The Abortion (Northern Ireland) (No. 2) Regulations 2020 (S.I. 2020/503)</a> , regs. 1(1)(b), <b>14(2)(b)</b> (with reg. 15)          |

*S. 27 rep. by 1981 c. 45*

*S.28 rep. by SLR (NI) 1952; 1953 c.14 (NI)*

## 29 Prohibition on taking photographs, etc., in court.

- (1) No person shall—
- (a) take or attempt to take in any court any photograph, or with a view to publication make or attempt to make in any court any portrait or sketch of any person, being a judge of the court or a juror or a witness in or a party to any proceedings before the court, whether civil or criminal; or
  - (b) publish any photograph, portrait or sketch taken or made in contravention of the foregoing provisions of this section or any reproduction of such photograph, portrait or sketch;

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and if any person acts in contravention of this section he shall, on summary conviction, be liable in respect of each offence to a fine not exceeding<sup>[F8]</sup> level 3 on the standard scale].

[<sup>F9</sup>(1A) Subsection (1) does not apply to anything done in accordance with a direction under section 85A of the Courts Act 2003 (remote observation and recording of court and tribunal proceedings).]

(2) For the purposes of this section—

- [<sup>F10</sup>(a) the expression “court” means any court of justice (including the court of a coroner), apart from the Supreme Court;]
- (b) the expression “judge” includes recorder, registrar, resident magistrate, justice of the peace sitting out of petty sessions and coroner;
- (c) a photograph, portrait or sketch shall be deemed to be a photograph, portrait or sketch taken or made in court if it is taken or made in the court-room or in the building or in the precincts of the building in which the court is held, or if it is a photograph, portrait or sketch taken or made of the person while he is entering or leaving the court-room or any such building or precincts as aforesaid.

**F8** 1984 NI 3

**F9** S. 29(1A) inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 198(3), 208(4)(aa)**

**F10** S. 29(2)(a) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), **ss. 47(2), 148(1)**; S.I. 2009/1604, **art. 2(b)**

*S.30 rep. by 1978 c.23; SLR 1980*

*S.31 rep. by 1950 c.5 (NI)*

*Ss. 32, 33 rep. by 1998 c. 37*

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice Act (Northern Ireland) 1945.