



2011 CHAPTER 24

PART 5

TREATMENT OF OFFENDERS

Increase in maximum term of imprisonment for common assault or battery

51.—(1) The Offences against the Person Act 1861 (c. 100) is amended as follows.

(2) In section 42 (common assault or battery) for “three months” substitute “6 months”.

(3) Section 43 (aggravated assault) is repealed.

Penalty for certain knife offences

52. In section 139A of the Criminal Justice Act 1988 (c. 33) (having knife etc. on school premises) for subsections (5) and (6) substitute—

“(5) A person guilty of an offence under subsection (1) or (2) shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, or to a fine, or to both.

(6) In this section and section 139B “school premises” means land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “school” has the meaning

given by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986.”.

Extension of maximum period of deferment of sentence

53.—(1) Article 3 of the [Criminal Justice \(Northern Ireland\) Order 1996 \(NI 24\)](#) (deferment of sentence) is amended as follows.

(2) In paragraph (2) (deferment not to exceed 6 months) for “6 months” substitute “the relevant period”.

(3) After paragraph (2) insert—

“(2A) In paragraph (2) “the relevant period” means—

- (a) if the court makes an order under Article 28(1) of the Road Traffic Offenders (Northern Ireland) Order 1996 in respect of the offender, 6 months;
- (b) in any other case, 12 months.”.

Breach of licence conditions by sex offenders

54. In Article 27 of the [Criminal Justice \(Northern Ireland\) Order 1996 \(NI 24\)](#) (breach of licence conditions by sex offenders) after paragraph (9) insert—

“(10) Paragraph (11) applies if—

- (a) an offender released on licence in pursuance of an order under Article 26(1)(b) is not resident in Northern Ireland; or
- (b) it is not known where the offender resides.

(11) Where this paragraph applies—

- (a) the reference in paragraph (2) to a magistrates’ court acting for the petty sessions district in which the offender resides is to be read as a reference to any magistrates’ court in Northern Ireland;
- (b) the reference in paragraph (9)(b) to a court of summary jurisdiction acting for the petty sessions district in which the offender resides is to be read as a reference to the court of summary jurisdiction which made the order.”.

Sexual offences: closure orders

55.—(1) Part 2A of the Sexual Offences Act 2003 ([c. 42](#)) (closure orders) is amended as follows.

(2) In section 136J(5) (discharge of closure order) for “judicial authority” substitute “judicial officer”.

(3) In section 136R (interpretation) at the end insert—

“(15) In the application of this Part to Northern Ireland for any reference to a magistrates’ court there shall be substituted a reference to a court of summary jurisdiction.”.

Financial reporting orders

56.—(1) After section 78(3)(aa) of the Serious Organised Crime and Police Act 2005 (c. 15) (offences giving rise to the power to make a financial reporting order) add—

- “(ab) a common law offence of conspiracy to defraud,
- (ac) an offence under section 17 of the Theft Act (Northern Ireland) 1969 (false accounting),”.

(2) After section 78(3)(c) of the Serious Organised Crime and Police Act 2005 add—

- “(d) an offence under any of the following provisions of the Bribery Act 2010—
 - section 1 (offences of bribing another person),
 - section 2 (offences relating to being bribed),
 - section 6 (bribery of foreign public officials),
- (e) a common law offence of bribery,
- (f) an offence under section 1 of the Public Bodies Corrupt Practices Act 1889 (corruption in office),
- (g) the first two offences under section 1 of the Prevention of Corruption Act 1906 (bribes obtained by or given to agents),
- (h) an offence under any of the following provisions of the Proceeds of Crime (Northern Ireland) Order 1996—
 - Article 45 (acquisition, possession or use of proceeds of criminal conduct),
 - Article 46 (assisting another to retain the benefit of criminal conduct),
 - Article 47 (concealing or transferring proceeds of criminal conduct),
- (i) an offence under section 329 of the Proceeds of Crime Act 2002 (acquisition, use and possession of criminal property),
- (j) an offence of attempting, conspiring in or inciting the commission of an offence mentioned in paragraphs (aa), (ac) or (d) to (i), or an offence under Part 2 of the Serious Crime Act 2007 in relation to such an offence,
- (k) an offence of aiding, abetting, counselling or procuring the commission of an offence mentioned in paragraphs (aa), (ac) or (d) to (i).”.

Dangerous offenders: serious and specified offences

- 57.—(1) The paragraph set out in subsection (2) is inserted—
- (a) in Schedule 1 to the [Criminal Justice \(Northern Ireland\) Order 2008 \(NI 1\)](#) (serious offences) after paragraph 15; and
 - (b) in Schedule 2 to that Order (specified offences) after paragraph 15.
- (2) The paragraph is—

“The Criminal Jurisdiction Act 1975 (c. 59)

- 15A. An offence under section 2 (hi-jacking of vehicles or ships).”.

Supervised activity order in respect of certain financial penalties

58.—(1) Article 45 of the Criminal Justice (Northern Ireland) Order 2008 (supervised activity orders for default in payment of certain fines) is amended as follows.

- (2) After paragraph (1) insert—

“(1A) Where—

- (a) section 88(6) of the Criminal Justice and Immigration Act 2008 (financial penalty enforceable in Northern Ireland in accordance with Framework Decision) applies to a financial penalty (within the meaning given in section 92(2) of that Act);
- (b) a magistrates’ court would, but for this Article, make an order or issue a warrant for the committal of that person for default in paying the financial penalty or any instalment of that penalty by the due date; and
- (c) the court considers a supervised activity order more appropriate than such committal,

the court may, instead of making that order or issuing that warrant, make a supervised activity order in respect of that person.”.

- (3) In paragraphs (5) and (6) after “fine” (wherever occurring) insert “or penalty”.

- (4) In paragraph (7) at the end add “or, as the case may be, the penalty mentioned in paragraph (1A)(a)”.