

*These notes refer to the Criminal Justice Act (Northern Ireland)  
2013 (c.7) which received Royal Assent on 25 April 2013*

# Criminal Justice Act (Northern Ireland) 2013

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## **EXPLANATORY NOTES**

### **CONSULTATION**

#### ***Consultation on sex offender notification and violent offender orders***

25. Consultation on changes to the law on sex offender notification and the introduction of violent offender orders began on 6 July 2011 and closed on 5 October 2011. 13 responses were received.
26. The consultation document sought views on a number of proposed changes to the law on notification requirements for sex offenders and on measures to better protect the public from the risk posed by violent offenders.
27. The changes consulted on were the introduction of a mechanism to allow offenders subject to notification for an indefinite period to apply for a review after a certain amount of time in the community; strengthening public protection through additional notification requirements; amending the law to allow for removal of notification where offences have been abolished, and introduction of orders to more effectively manage risk from violent offenders.
28. The consultation document and summary of responses can be found at:  
  
<http://www.dojni.gov.uk/index/public-consultations/archive-consultations/consultation-on-sex-offender-notification-and-violent-offender-orders.htm>

#### ***Consultation on human trafficking provisions***

29. The Department of Justice launched a consultation on the proposed new offences on  
  
5 April 2012, for a period of eight weeks.
30. The consultation concluded on 31 May. At that date 43 comments had been received, none of them negative.
31. A number of the responses highlighted the importance of sentencing as a deterrent and the legislative amendment, removing the provision for summary conviction, was included in the Act as a result. Stakeholders, including members of the Organised Crime Task Force's Immigration and Human

Trafficking (IHT) Subgroup, were also consulted and signalled their support for the amendment.

32. The consultation document and summary of responses can be found at:

<http://www.dojni.gov.uk/index/public-consultations/archive-consultations/consultation-on-legislative-amendments-and-department-of-justice-engagement-in-relation-to-human-trafficking.htm>

***Consultation on the retention of fingerprints, samples etc.***

33. Following the ECtHR judgment, in May 2009 the UK Government issued a consultation paper entitled ‘Keeping the right people on the DNA Database’. This contained a range of proposals aimed at replacing the ‘blanket’ retention policy with a framework which would discriminate between different kinds of case and apply strictly-defined storage periods for data. As the judgment applied equally to the legislative position in Northern Ireland, a joint public consultation exercise was carried out on the policy proposals in England, Wales and Northern Ireland.

34. Two sets of legislative proposals prepared following the consultation were subsequently abandoned and, following the devolution of justice to the Assembly and the General Election in May 2010, proposals for England and Wales were published in what is now the Protection of Freedoms Act 2012. The Department of Justice proceeded with public consultation on proposals based largely on the framework described in that Act. Overall, the proposed framework was viewed favourably by most respondents as a proportionate and balanced approach to replacing the current indefinite retention policy. As expected, given the subject matter, a wide range of views was expressed on various aspects of the policy proposals.

35. The consultation document and summary of responses can be found at:

[http://www.dojni.gov.uk/index/public-consultations/archive-consultations/consultation\\_on\\_proposals\\_for\\_the\\_retention\\_and\\_destruction\\_of\\_fingerprints\\_and\\_dna\\_in\\_n](http://www.dojni.gov.uk/index/public-consultations/archive-consultations/consultation_on_proposals_for_the_retention_and_destruction_of_fingerprints_and_dna_in_n)