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STATUTORY INSTRUMENTS

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**2008 No. 1216 (N.I. 1)**

**NORTHERN IRELAND**

**The Criminal Justice (Northern Ireland) Order 2008**

*Made - - - - 7th May 2008  
Coming into operation in accordance with Article  
1(2) to (4)*

**THE CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008**

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**Changes to legislation:** The Criminal Justice (Northern Ireland) Order 2008 is up to date with all changes known to be in force on or before 20 April 2024. 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

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- 8. An offence under— section 2 (causing explosion likely to endanger...
  - The Criminal Law Amendment Act 1885 (c. 69)
- 9. An offence under section 4 of attempted intercourse with girl...
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- 10. An offence under section 1 (infanticide).
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- 11. An offence under section 25 (child destruction).
  - The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)
- 12. An offence under— section 20 (cruelty to children), or section...
  - The Theft Act (Northern Ireland) 1969 (c. 16)
- 13. An offence under section 8 (robbery or assault with intent...)
- 14. An offence under section 9 of burglary with intent to—...
- 15. An offence under section 10 (aggravated burglary).
  - *The Criminal Jurisdiction Act 1975 (c. 59)*
- 15A An offence under section 2 (hi-jacking of vehicles or ships)...
  - The Criminal Damage (Northern Ireland) Order 1977 (NI 4)
- 16. An offence of arson under Article 3.
- 17. An offence under Article 3(2) (destroying or damaging property) other...
  - The Protection of Children (Northern Ireland) Order 1978 (NI 17)
- 18. An offence under Article 3 (indecent photographs of children).
  - The Road Traffic (Northern Ireland) Order 1981 (NI 1)
- 19. An offence under Article 172B (aggravated vehicle-taking causing death or...
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- 20. An offence under section 1 (hostage-taking).
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- 21. An offence under— section 1 (hijacking), section 2 (destroying, damaging...

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- The Criminal Justice Act 1988 (c. 33)
- 22. An offence under section 134 (torture).
  - The Aviation and Maritime Security Act 1990 (c. 31)
- 23. An offence under— section 1 (endangering safety at aerodromes) section...
  - The Channel Tunnel (Security) Order 1994 (S.I. 1994/570)
- 24. An offence under Part 2 (offences relating to Channel Tunnel...
  - The Road Traffic (Northern Ireland) Order 1995 (NI 18)
- 25. An offence under— Article 9 (causing death or grievous bodily...

*The Terrorism Act 2000 (c. 11)*

- 25A An offence under— section 54 (weapons training), section 56 (directing...
  - The International Criminal Court Act 2001 (c. 17)
- 26. An offence under section 51 or 52 (genocide, crimes against...

*The Anti-terrorism, Crime and Security Act 2001 (c. 24)*

- 26A An offence under— section 47 (use etc of nuclear weapons),...
  - The Female Genital Mutilation Act 2003 (c. 31)
- 27. An offence under— section 1 (female genital mutilation), section 2...
  - The Sexual Offences Act 2003 (c. 42)
- 28. An offence under— section 15 (meeting a child following sexual...
  - The Criminal Justice (Northern Ireland) Order 2003 (NI 13)
- 29. An offence under— Article 20 (assault with intent to commit...
  - The Domestic Violence, Crime and Victims Act 2004 (c. 28)
- 30. An offence under section 5 (causing or allowing the death...
  - The Firearms (Northern Ireland) Order 2004 (NI 3)
- 31. An offence under— Article 58 (possession with intent), Article 59...

*The Terrorism Act 2006 (c. 11)*

- 31ZA An offence under— section 5 (preparation of terrorist acts), section...
  - The Sexual Offences (Northern Ireland) Order 2008 (NI 2)
- 31A An offence under— Article 5 (rape), Article 6 (assault by...
  - The Space Industry Act 2018 (c. 00)
- 31B An offence under— paragraph 1 of Schedule 4 (hijacking of...
  - Other offences
- 32. An offence of— (a) aiding, abetting, counselling, procuring or inciting...
- 34. An offence under Part 2 of the Serious Crime Act...
- 35. An attempt to commit murder or a conspiracy to commit...

SCHEDULE 2 — SPECIFIED OFFENCES

PART 1 — SPECIFIED VIOLENT OFFENCES

- 1. Manslaughter.
- 2. Kidnapping.
- 3. Riot.
- 4. Affray.
- 5. False imprisonment.

*The Offences against the Person Act 1861 (c. 100)*

- 6. An offence under— section 4 (soliciting murder), section 16 (threats...
- 7. An offence under section 47 of assault occasioning actual bodily...

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*The Explosive Substances Act 1883 (c. 3)*

8. An offence under— section 2 (causing explosion likely to endanger...

*The Infanticide Act (Northern Ireland) 1939 (c. 5)*

9. An offence under section 1 (infanticide).

*The Criminal Justice Act (Northern Ireland) 1945 (c. 15)*

10. An offence under section 25 (child destruction).

*The Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28)*

11. An offence under section 7(1)(b) (assault with intent to resist...

*The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)*

12. An offence under section 20 (cruelty to children).

*The Theft Act (Northern Ireland) 1969 (c. 16)*

13. An offence under section 8 (robbery or assault with intent...  
14. An offence under section 9 of burglary with intent to—...  
15. An offence under section 10 (aggravated burglary).

*The Criminal Jurisdiction Act 1975 (c. 59)*

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

*The Criminal Damage (Northern Ireland) Order 1977 (NI 4)*

16. An offence of arson under Article 3.  
17. An offence under Article 3(2) (destroying or damaging property) other...

*The Road Traffic (Northern Ireland) Order 1981 (NI 1)*

18. An offence under Article 172B (aggravated vehicle-taking causing death or...

*The Taking of Hostages Act 1982 (c. 28)*

19. An offence under section 1 (hostage-taking).

*The Aviation Security Act 1982 (c. 36)*

20. An offence under— section 1 (hijacking), section 2 (destroying, damaging...

*The Mental Health (Northern Ireland) Order 1986 (NI 4)*

21. An offence under Article 121 (ill-treatment of patients).

*The Criminal Justice Act 1988 (c. 33)*

22. An offence under section 134 (torture).

*The Aviation and Maritime Security Act 1990 (c. 31)*

23. An offence under— section 1 (endangering safety at aerodromes), section...



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*The Channel Tunnel (Security) Order 1994 (S.I. 1994/570)*

24. An offence under Part 2 (offences relating to Channel Tunnel...

*The Road Traffic (Northern Ireland) Order 1995 (NI 18)*

25. An offence under— Article 9 (causing death or grievous bodily...

*The Protection from Harassment (Northern Ireland) Order 1997 (NI 9)*

26. An offence under Article 6 (putting people in fear of...

*The Police (Northern Ireland) Act 1998 (c. 32)*

27. An offence under section 66 (assaulting or obstructing a constable...

*The Terrorism Act 2000 (c. 11)*

- 27A An offence under— section 54 (weapons training), section 56 (directing...

*The International Criminal Court Act 2001 (c. 17)*

28. An offence under section 51 or 52 (genocide, crimes against...

*The Anti-terrorism, Crime and Security Act 2001 (c. 24)*

- 28A An offence under— section 47 (use etc of nuclear weapons),...

*The Female Genital Mutilation Act 2003 (c. 31)*

29. An offence under— section 1 (female genital mutilation), section 2...

*The Domestic Violence, Crime and Victims Act 2004 (c. 28)*

30. An offence under section 5 (causing or allowing a child...

*The Firearms (Northern Ireland) Order 2004 (NI 3)*

31. An offence under— Article 58 (possession with intent), Article 59...

*The Terrorism Act 2006 (c. 11)*

- 31A An offence under— section 5 (preparation of terrorist acts), section...

*The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*

- 31A An offence under— section 1 (slavery, servitude and forced or...

*The Space Industry Act 2018 (c. 00)*

- 31B An offence under— paragraph 1 of Schedule 4 (hijacking of...

*The Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022*

- 31C An offence under section 28 (non-fatal strangulation or asphyxiation).

*Other offences*

32. An offence of— (a) aiding, abetting, counselling, procuring or inciting...

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33. An offence under Part 2 of the Serious Crime Act...
34. An attempt to commit murder or a conspiracy to commit...

PART 2 — SPECIFIED SEXUAL OFFENCES

1. Rape.

*The Offences against the Person Act 1861 (c. 100)*

2. An offence under— section 52 (indecent assault upon a female),...

*The Criminal Law Amendment Act 1885 (c. 69)*

3. An offence under— section 2 (procuration), section 3 (procurement of...

*The Vagrancy Act 1898 (c. 38)*

4. An offence under section 1 (living on earnings of prostitution...

*The Punishment of Incest Act 1908 (c. 45)*

5. An offence under— section 1 (incest by a man), or...

*The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)*

6. An offence under— section 21 (causing or encouraging seduction or...

*The Theft Act (Northern Ireland) 1969 (c. 16)*

7. An offence under section 9 of burglary with intent to...

*The Protection of Children (Northern Ireland) Order 1978 (NI 17)*

8. An offence under Article 3 (indecent photographs of children).

*The Customs and Excise Management Act 1979 (c. 2)*

9. An offence under section 170 (penalty for fraudulent evasion of...

*The Criminal Justice (Northern Ireland) Order 1980 (NI 6)*

10. An offence under Article 9 (inciting girl under 16 to...

*The Mental Health (Northern Ireland) Order 1986 (NI 4)*

11. An offence under— Article 122 (protection of women suffering from...

*The Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (NI 17)*

12. An offence under Article 15 (possession of indecent photograph of...

*The Sexual Offences Act 2003 (c. 42)*

13. An offence under— section 15 (meeting a child following sexual...

*The Criminal Justice (Northern Ireland) Order 2003 (NI 13)*

14. An offence under— Article 20 (assault with intent to commit...

*The Sexual Offences (Northern Ireland) Order 2008 (NI 2)*

- 14A. An offence under— Article 5 (rape), Article 6 (assault by...

*The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*

14A An offence under section 2 (human trafficking) committed with a...

*Other offences*

15. An offence of— (a) aiding, abetting, counselling, procuring or inciting...
16. An offence under Part 2 of the Serious Crime Act...
  - PART 3 — Specified terrorism offences
  1. The Terrorism Act 2000 (c. 11)
  2. The Anti-terrorism, Crime and Security Act 2001 (c. 24)
  3. The Terrorism Act 2006 (c. 11)
  4. Other offences
  5. An offence under Part 2 of the Serious Crime Act...

SCHEDULE 2A — Offences specified for various purposes of this Order relating to terrorism

PART 1 — Introduction

1. (1) In this Schedule— (a) Part 2 specifies certain terrorism...
  - PART 2 — Terrorism offences in Northern Ireland punishable with imprisonment for life
  2. An offence under any of the following provisions of the...
  3. An offence under any of the following provisions of the...
    - PART 3 — Other offences in Northern Ireland punishable with imprisonment for life
    4. An ancillary offence in relation to murder, other than one...
    5. Manslaughter.
    6. Kidnapping.
    7. False imprisonment.
    8. Riot.
    9. Affray.
    10. An offence under any of the following provisions of the...
    11. An offence under any of the following provisions of the...
    12. An offence under section 1 of the Infanticide Act (Northern...
    13. An offence under section 25 of the Criminal Justice Act...
    14. An offence under either of the following provisions of the...
    15. An offence under section 1 of the Biological Weapons Act...
    16. (1) An offence of arson under Article 3 of the...
    17. An offence under section 1 of the Taking of Hostages...
    18. An offence under any of the following provision of the...
    19. An offence under either of the following provisions of the...
    20. An offence under section 134 of the Criminal Justice Act...
    21. An offence under any of the following provisions of the...
    22. An offence under Part 2 of the Channel Tunnel (Security)...
    23. An offence under either of the following provisions of the...
    24. An offence under section 58 or 59 of the International...
    25. An offence under either of the following provisions of the...
    26. An offence under any of the following provisions of the...
    27. An offence under either of the following provisions of the...
    28. An offence under any of the following provisions of Schedule...
      - PART 4 — Terrorism offences in Northern Ireland punishable with imprisonment for more than two years (but not life)
    29. An offence under any of the following provisions of the...

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30. An offence under section 113 of the Anti-terrorism, Crime and...
31. An offence under any of the following provisions of the...
32. An offence under section 54 of the Counter-Terrorism Act 2008...
33. An offence under section 23 of the Terrorism Prevention and...
34. An offence under section 10 of the Counter-Terrorism and Security...  
PART 5 — Terrorism offences only in other parts of the United Kingdom punishable with imprisonment for life
35. An offence under either of the following provisions of the...  
PART 6 — Other offences only in other parts of the United Kingdom punishable with imprisonment for life
36. Culpable homicide (under the law of Scotland).
37. Abduction (under the law of Scotland).
38. Assault by explosive device (under the law of Scotland).
39. Assault to severe injury (under the law of Scotland).
40. Assault and poisoning (under the law of Scotland).
41. Poisoning (under the law of Scotland).
42. Robbery (under the law of Scotland).
43. Assault with intent to rob (under the law of Scotland)....
44. Wilful fire-raising (under the law of Scotland).
45. Malicious mischief (under the law of Scotland).
46. An offence under section 1 of the Infant Life (Preservation)...
47. An offence under section 1 of the Infanticide Act 1938...
48. An offence under any of the following provisions of the...
49. An offence under either of the following provisions of the...
50. (1) An offence of arson under section 1 of the...
51. An offence under section 51 or 52 of the International...
52. An offence under section 1 or 2 of the International...
53. An offence under either of the following provisions of the...
54. An offence under either of the following provisions of the...  
PART 7 — Terrorism offences only in other parts of the United Kingdom punishable with imprisonment for more than two years (but not life)
55. An offence under section 59 of the Terrorism Act 2000...

#### SCHEDULE 3 — SUPERVISED ACTIVITY ORDERS: FURTHER PROVISIONS

- Restrictions on power to make order
- 1. A court shall not make a supervised activity order in...  
— Making of order
- 2. (1) A supervised activity order shall specify the petty sessions...  
— ...
- 3. (1) Sub-paragraphs (2) to (5) apply where a supervised activity...  
— Requirements of order
- 4. (1) An offender in respect of whom a supervised activity...  
— Failure to comply with order
- 5. (1) If at any time while a supervised activity order...  
— Amendment, extension or revocation of order
- 6. (1) On the application of the offender or of the...  
— Rules
- 7. (1) The Secretary of State may make rules for regulating...  
— Interpretation
- 8. (1) In this Schedule “the appropriate court”, in relation to...

#### SCHEDULE 4 — THE PAROLE COMMISSIONERS

- Appointment

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1. (1) The Department of Justice shall appoint Parole Commissioners.
  - Tenure
2. A Commissioner— (a) shall hold office in accordance with the...
3. The Department of Justice may, after consultation with the Lord...
  - Rules
4. (1) The Department of Justice may make rules with respect...
- 4A (1) The Secretary of State may make rules with respect...
  - Remuneration and allowances
5. (1) The Department of Justice shall pay to or in...
  - Staff, premises, etc.
6. The Department of Justice shall provide for the Commissioners the...
  - Annual report
7. (1) The Chief Commissioner shall, as soon as reasonably practicable...

#### SCHEDULE 5 — AMENDMENTS

- The Treatment of Offenders Act (Northern Ireland) 1968 (c. 29)
1. In section 33(2) (interpretation) at the end add if—
    - The Northern Ireland Assembly Disqualification Act 1975 (c. 25)
  2. In Part 3 of Schedule 1 (other disqualifying offices) at...
    - The Rehabilitation of Offenders (Northern Ireland) Order 1978 (NI 27)
  3. In Article 6(1) (sentences excluded from rehabilitation), after sub-paragraph (d)...
    - The Repatriation of Prisoners Act 1984 (c. 47)
  4. (1) In section 2 (transfer out of the United Kingdom)...
    - The Mental Health (Northern Ireland) Order 1986 (NI 4)
  5. (1) In Article 44 (power of court to order hospital...
    - The Criminal Justice Act 1988 (c. 33)
  6. In section 36(9) (reviews of sentencing) after paragraph (ab) insert—...
    - The Criminal Justice (Northern Ireland) Order 1996 (NI 24)
  7. (1) In Article 2(2) (interpretation) in the definition of “custodial...
    - The Life Sentences (Northern Ireland) Order 2001 (NI 2)
  8. In Article 2(2) (interpretation), in the definition of “the Commissioners”...
    - The Justice (Northern Ireland) Act 2002 (c. 26)
  9. In section 46(1)(ea) (organisations to be inspected by Chief Inspector...
    - The Sexual Offences Act 2003 (c. 42)
  10. (1) In the table in section 82(1) (notification period for...
    - The Access to Justice (Northern Ireland) Order 2003 (NI 10)
  11. In Article 25(2)(b)(ii) (right to representation) for “Life Sentence Review...

#### SCHEDULE 6 — REPEALS

##### PART 1 — SENTENCING

##### PART 2 — REPEALS COMING INTO OPERATION IN ACCORDANCE WITH ARTICLE 1(3)

##### PART 3 — PRISONS

##### PART 4 — LIVE LINKS

Explanatory Note

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[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. 5 para. 7(6) repealed by [S.I. 2008/1216 \(N.I.\) Sch. 6 Pt. 1](#)
- art. 13 excluded by [2016 c. 18 \(N.I.\) s. 170\(1\)s. 170\(2\)\(c\)](#)
- art. 14 excluded by [2016 c. 18 \(N.I.\) s. 170\(1\)s. 170\(2\)\(c\)](#)
- art. 34 repealed by [S.I. 2008/1216 \(N.I.\) Sch. 6 Pt. 1](#)
- art. 35(1)(b)(iv) repealed by [S.I. 2008/1216 \(N.I.\) Sch. 6 Pt. 1](#)
- art. 35(3) repealed by [S.I. 2008/1216 \(N.I.\) Sch. 6 Pt. 1](#)
- art. 45(5)(6) words inserted by [2011 c. 24 \(N.I.\) s. 58\(3\)](#)
- art. 45(7) words added by [2011 c. 24 \(N.I.\) s. 58\(4\)](#)
- art. 91A91B inserted by [2009 c. 25 Sch. 16 para. 6](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 Pt. 1 para. 31A renumbered as 31(B) by [2022 c. 19 \(N.I.\) Sch. 4 para. 3\(a\)](#)
- art. 19(1A) inserted by [2015 c. 9 \(N.I.\) s. 82](#)
- art. 45(1A) inserted by [2011 c. 24 \(N.I.\) s. 58\(2\)](#)