

*These notes refer to the Justice and Security (Northern Ireland)
Act 2007 (c.6) which received Royal Assent on 24 May 2007*

JUSTICE AND SECURITY (NORTHERN IRELAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Powers: supplementary

Section 39: Prosecution

93. With the exclusion of Schedule 4 (which has an offence of obtaining compensation by deception at *paragraph 12*), the prosecution of any offence created in sections 21 to 32 requires the consent of the DPP(NI). If it appears to the DPP(NI) that the offence is connected with the affairs of another country then the permission of the Attorney General for Northern Ireland is required. This is intended to provide a safeguard against malicious prosecution.
94. The section contemplates the Advocate General for Northern Ireland taking over the role of the Attorney General on the devolution of policing and justice functions to the Northern Ireland Assembly. The Advocate General will be responsible for various excepted and reserved matters in Northern Ireland.