

Sexual Offences (Pardons Etc) Bill – proposed amendments

Note on proposed amendments

There are two groups of proposed amendments that, if accepted, would extend new and existing provisions in the Sexual Offences (Pardons Etc) Bill to Northern Ireland:

Group 1 amendments would extend the provisions in the Bill relating to pardons to Northern Ireland in the same way that they would apply to England and Wales;

Group 2 amendments would amend the Protection of Freedoms Act 2012 to extend to Northern Ireland the “disregard” scheme that applies in England and Wales.

These amendments should be seen as necessary in the context of the Conservative Party Manifesto commitment (2015 p.46) “to introduce a new law that will pardon those people, and right these wrongs” which related to *all* people in the UK.

Group 1

1. In section 2 (Pardon for certain convictions and cautions) –
 - (a) in subsection (3) substitute –

“(3) In this section ‘relevant offence’ means an offence under—

 - (a) section 12 of the Sexual Offences Act 1956 (buggery),
 - (b) section 13 of that Act (gross indecency between men),
 - (c) section 32 of that Act (solicitation by men),
 - (d) section 61 of the Offences against the Person Act 1861 (buggery),
 - (e) section 11 of the Criminal Law Amendment Act 1885 (gross indecency between men), or
 - (f) Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (buggery),

which fulfils the conditions in subsection (4).”
 - (b) in subsection (4)(b) after the words “Sexual Offences Act 2003” insert “or section 75 of the Sexual Offences (Northern Ireland) Order 2008”.
2. In section 5 (short title, commencement and extent) in subsection (3) after the words “England and Wales” insert “and Northern Ireland”.

Group 2

1. In section 3 (Amendment of the Protection of Freedoms Act 2012) –

(a) in subsection (2) substitute –

“(2) In section 92 (power of Secretary of State to disregard convictions or cautions) –

(a) in subsection (1)(b) omit “or”,

(b) after subsection (1)(b) insert –

“(ba) section 32 of that Act (solicitation by men),”

(c) in subsection 1(c) after the words “corresponding earlier offences” insert “in England and Wales, and offences in Northern Ireland” and at the end of that subsection insert “or”,

(d) after subsection 1(c) insert –

“(d) Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (buggery),”

(e) after subsection (1) insert –

“(1A) In the case of a person who is deceased, but who would, had they still been alive, have been eligible to apply to have a conviction or caution disregarded under subsection (1), any relative of the person may make an application under subsection (1) on behalf of the deceased person.”

(f) in subsection (3)(b) after the words “Sexual Offences Act 2003” insert “or section 75 of the Sexual Offences (Northern Ireland) Order 2008”.

(b) after subsection (3) insert –

“(4) In section 96 (Effect of disregard for disclosure and other purposes) in subsection (2)(a) after the words “England and Wales” insert “and Northern Ireland”.

(5) In section 101 (Interpretation: Chapter 4) in the meaning given to “caution” in subsection (1) after the words “England and Wales” insert “and Northern Ireland”.

(6) In section 119 (Extent) –

(a) omit subsection (1)(g) and re-letter subsections (1)(h)-(1)(k) as (1)(g)-(1)(j) respectively,

(b) at the end of subsection (3)(d) omit “.” and insert “;”,

(c) after subsection (3)(d) insert –

“(e) Chapter 4 of Part 5.”