



# Criminal Law Act (Northern Ireland) 1967

## 1967 CHAPTER 18

An Act to abolish the division of crimes into felonies and misdemeanours, to amend and simplify the law in respect of matters arising from or related to that division or the abolition of it, to make further provision with respect to criminal proceedings and offences; and for purposes connected with any of those matters. [1st August 1967]

### **1 Abolition of distinction between felony and misdemeanour.**

- (1) All distinctions between felony and misdemeanour are hereby abolished.
- (2) Subject to the provisions of this Act, on all matters on which a distinction has previously been made between felony and misdemeanour, including mode of trial, the law and practice in relation to all offences cognisable under the law of Northern Ireland (including piracy) shall be the law and practice applicable at the commencement of this Act in relation to misdemeanour.

*S. 2 rep. by 1989 NI 12*

### **3<sup>F1</sup> Use of force in making arrest etc.**

- (1) A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.
- (2) Subsection (1) shall replace the rules of the common law as to the matters dealt with by that subsection.

#### **Annotations:**

**F1** 1990 c. 31

### **4 Penalties for assisting offenders.**

- (1) Where a person has committed [<sup>F2</sup>a relevant offence], any other person who, knowing or believing him to be guilty of the offence or of some [<sup>F3</sup>other relevant offence],

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does without lawful authority or reasonable excuse any act with intent to impede his apprehension or prosecution, shall be guilty of an offence.

[<sup>F4</sup>(1A) In this section and section 5, “relevant offence” means—

- (a) an offence for which the sentence is fixed by law,
- (b) an offence for which a person of 21 years or over (not previously convicted) may be sentenced to imprisonment for a term of five years (or might be sentenced but for the restrictions imposed by Article 46(4) of the Magistrates' Courts (Northern Ireland) Order 1981).

[<sup>F5</sup>but in section 5(1) “relevant offence” does not include an offence under Article 20 of the Sexual Offences (Northern Ireland) Order 2008.]]

- (2) If on the trial of an indictment for [<sup>F6</sup>a relevant offence] the jury are satisfied that the offence charged (or some other offence of which the accused might on that charge be found guilty) was committed, but find the accused not guilty of it, they may find him guilty of any offence under subsection (1) of which they are satisfied that he is guilty in relation to the offence charged (or that other offence).
- (3) A person committing an offence under subsection (1) with intent to impede another person's apprehension or prosecution shall on conviction on indictment be liable to imprisonment according to the gravity of the other person's offence, as follows:—
  - (a) if that offence is one for which the court is required by law to sentence an offender to death or to imprisonment for life or to detention during the pleasure of the Governor of Northern Ireland, he shall be liable to imprisonment for not more than ten years;
  - (b) if it is one for which a person (of full age and capacity and not previously convicted) may be sentenced to imprisonment for a term of fourteen years, he shall be liable to imprisonment for not more than seven years;
  - (c) if it is not one included above but is one for which a person (of full age and capacity and not previously convicted) may be sentenced to imprisonment for a term of ten years, he shall be liable to imprisonment for not more than five years;
  - (d) in any other case, he shall be liable to imprisonment for not more than three years.
- (4) ...<sup>F7</sup> no proceedings shall be instituted for an offence under subsection (1) except by or with the consent of the Attorney-General.

*Subs.(5) rep. by 1975 c.59*

*Subs.(6) rep. by 1969 c.16 (NI)*

#### Annotations:

- F2** Words in s. 4(1) substituted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), **Sch. 1 para. 13(1)(a)(i)**
- F3** Words in s. 4(1) substituted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), **Sch. 1 para. 13(1)(a)(ii)**
- F4** S. 4(1A) substituted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), **Sch. 1 para. 13(1)(b)**
- F5** Words in s. 4(1A) inserted (2.2.2009) by Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(3), **79(2)**; S.R. 2008/510, **art. 2**
- F6** Words in s. 4(2) substituted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), **Sch. 1 para. 13(1)(c)**

F7 1975 c.59

## 5 Penalties for concealing offences etc.

- (1) Subject to the succeeding provisions of this section, where a person has committed [<sup>F8</sup>a relevant offence], it shall be the duty of every other person, who knows or believes—
- (a) that the offence or some [<sup>F9</sup>other relevant offence] has been committed; and
  - (b) that he has information which is likely to secure, or to be of material assistance in securing, the apprehension, prosecution or conviction of any person for that offence;

to give that information, within a reasonable time, to a constable and if, without reasonable excuse, he fails to do so he shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment according to the gravity of the offence about which he does not give that information, as follows:—

- (i) if that offence is one for which the court is required by law to sentence an offender to death or to imprisonment for life or to detention during the pleasure of the Governor of Northern Ireland, he shall be liable to imprisonment for not more than ten years;
  - (ii) if it is one for which a person (of full age and capacity and not previously convicted) may be sentenced to imprisonment for a term of fourteen years, he shall be liable to imprisonment for not more than seven years;
  - (iii) if it is not one included above but is one for which a person (of full age and capacity and not previously convicted) may be sentenced to imprisonment for a term of ten years, he shall be liable to imprisonment for not more than five years;
  - (iv) in any other case, he shall be liable to imprisonment for not more than three years.
- (2) It shall not be an offence under this section for the person suffering loss or injury by reason of the commission of the offence (in this section referred to as “the injured person”) or some other person acting on his behalf not to disclose information upon that loss or injury being made good to the injured person or upon the injured person being reasonably recompensed therefor so long as no further or other consideration is received for or on account of such non-disclosure.
- (3) Where a person causes any wasteful employment of the police by knowingly making to any person a false report or statement tending to show that an offence has been committed, whether by himself or by another person, or to give rise to apprehension for the safety of any persons or property, or tending to show that he has information material to any police inquiry, he shall be liable on summary conviction to imprisonment for not more than six months or to a fine of not more than [<sup>F10</sup> level 4 on the standard scale] or to both.

<sup>F11</sup>(3A) Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be commenced, proceedings for an offence under subsection (3) (causing wasteful employment of the police by knowingly making false report or statement) may be commenced at any time within the period of twelve months after the commission of the offence.]

- (4) No proceedings shall be instituted for an offence under this section except by or with the consent of the Attorney-General.

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- (5) The compounding of an offence other than treason shall not be an offence otherwise than under this section.

**Annotations:**

- F8** Words in s. 5(1) substituted (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), 15(4), **Sch. 1 para. 13(2)(a)**
- F9** Words in s. 5(1)(a) substituted (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), 15(4), **Sch. 1 para. 13(2)(b)**
- F10** 1984 NI 3
- F11** 1968 c.28 (NI)

## 6 Trial of offences.

- (1) Where a person is arraigned on an indictment—
- he shall in all cases be entitled to make a plea of not guilty in addition to any demurrer or special plea;
  - he may plead not guilty of the offence specifically charged in the indictment but guilty of another offence of which he might be found guilty on that indictment;
  - if he stands mute of malice or will not answer directly to the indictment, the court may order a plea of not guilty to be entered on his behalf, and he shall then be treated as having pleaded not guilty.
- (2) Where, on a person's trial on indictment for any offence except treason, capital murder or murder, the jury find him not guilty of the offence specifically charged in the indictment, but the allegations in the indictment amount to or include (expressly or by implication) an allegation of another offence falling within the jurisdiction of the court of trial, the jury may find him guilty of that other offence or of an offence of which he could be found guilty on an indictment specifically charging that other offence.
- (3) For the purposes of the last foregoing subsection any allegation of an offence shall be taken as including an allegation of attempting to commit that offence; and where a person is charged on indictment with attempting to commit an offence or with any assault or other act preliminary to an offence, but not with the completed offence, then (subject to the discretion of the court to discharge the jury<sup>F12</sup> or otherwise act] with a view to the preferment of an indictment for the completed offence) he may be convicted of the offence charged notwithstanding that he is shown to be guilty of the completed offence.
- (4) ...<sup>F13</sup>, on an indictment for murder a person found not guilty of murder may be found guilty—
- of manslaughter, or of causing grievous bodily harm with intent to do so; or
  - of any offence of which he may be found guilty under an enactment specifically so providing, or under section 4(2); or
  - of an attempt to commit murder, or of an attempt to commit any other offence of which he might be found guilty;
- but may not be found guilty of any offence not included above.

*Subs.(5) rep. by 1973 c.53*

- (6) Any power to bring proceedings for an offence by criminal information in the High Court is hereby abolished.

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- (7) Subsections (1) to (4) above . . . , shall apply to an indictment containing more than one count as if each count were a separate indictment.

**Annotations:**

- F12** Words in s. 6(3) inserted (8.1.2007) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 331, 336(3), Sch. 36 para. 43; S.I. 2006/3422, [art. 2\(b\)\(c\)\(i\)](#)
- F13** 1973 c.53

## 7 Powers of dealing with offenders.

- (1) Where a person is convicted on indictment of an offence under any enactment and is for that offence liable to be sentenced to imprisonment, but the sentence is not by any enactment either limited to a specified term or expressed to extend to imprisonment for life, the person so convicted shall be liable to imprisonment for not more than two years.

*Subs. (2) rep. by 1983 NI 13*

- (3) Where a person is convicted on indictment of any offence other than an offence for which the court is required by law to sentence the offender to death or imprisonment for life or to detention during the pleasure of the Governor of Northern Ireland, the court, if not precluded from sentencing the offender by its exercise of some other power (such as the power to make a probation order), may impose a fine in lieu of or in addition to dealing with him in any other way in which the court has power to deal with him, subject however to any enactment limiting the amount of the fine that may be imposed or requiring the court to sentence the offender to imprisonment or otherwise to deal with him in a particular way (as opposed merely to authorising the court so to sentence or deal with him).

*Subs. (4) rep. by 1984 NI 3*

- (5) Notwithstanding anything in any enactment whereby power is conferred on a court, on a person's conviction of an offence, to bind him over to keep the peace or be of good behaviour or to keep the peace and be of good behaviour, that power may be exercised without sentencing the person convicted to a fine or to imprisonment.

*Subs. (6) rep. by 1996 NI 24*

- (7) There is hereby abolished so much of the punishment for any offence as consists in any general forfeiture of lands or of goods and chattels or in being placed outside Her Majesty's protection or otherwise incapacitated to sue or be sued.

*S.8 rep. by 1978 c.23*

## 9 Jurisdiction to try certain offences.

Without prejudice to any other enactment, any enactment (whether passed before or after the commencement of this Act) which confers on, or excludes from, any court jurisdiction to try any person for an offence (in this section referred to as "the specified offence") shall be construed as also conferring on, or (as the case may be) also excluding from, the court jurisdiction to try, convict and punish—

- (a) any person alleged to be guilty of the specified offence by reason of his having aided, abetted, counselled or procured its commission or any person alleged to

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have aided, abetted, counselled or procured the commission of the specified offence; and

- (b) any person alleged to be guilty of attempting or conspiring to commit the specified offence or of having incited another person to commit it.

*S. 10 rep. by 1981 NI 26*

## 11 Pardon.

A pardon in respect of any offence, if granted by warrant in due form, shall be of like effect as a pardon under the Great Seal, but save as aforesaid nothing in this Act shall affect Her Majesty's royal prerogative of mercy.

## 12 Trial of offences committed within admiralty jurisdiction.

- (1) Subject to the provisions of any enactment passed before the commencement of this Act and not repealed or amended by this Act ...<sup>F14</sup>, any offence which is triable in Northern Ireland by virtue of any jurisdiction in admiralty shall be triable on indictment and section 7 of the Criminal Justice Act (Northern Ireland) 1945 as amended by this Act shall apply accordingly.

*Subs.(2) rep. by 1978 c.23*

### Annotations:

**F14** 1978 c.23

*S.13, with Schedule 1, effects amendments*

## 14 Commencement, savings, and other general provisions.

- (1) This Act shall come into force on 29th August 1967; and in so far as it affects any matter of procedure or evidence or the jurisdiction or powers of any court in relation to offences, it shall have effect in relation to proceedings on indictment for an offence (except as provided by the following subsections) if, but only if, the person charged with the offence is arraigned on or after that day.
- (2) Subject to subsection (3) where a person is arraigned after the commencement of this Act on an indictment for a felony committed before that commencement, the offence shall be deemed always to have been a misdemeanour and, notwithstanding that the indictment is framed as an indictment for felony, shall be deemed to be charged as a misdemeanour in the indictment.
- (3) Where a person is arraigned after the commencement of this Act on an indictment charging him with being an accessory after the fact to a felony committed before that commencement, that felony shall, as regards that person, be deemed to be an arrestable offence, and notwithstanding that the indictment is so framed it shall be deemed to charge that person with an offence under section 4(1) and section 4(4) shall not apply.
- (4) On an indictment signed before the commencement of this Act, a person may be found guilty of any offence of which he could have been found guilty on that indictment if this Act had not been passed, but not of any other offence; and where a person has been tried for or convicted of felony before the commencement of this Act, the trial

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or conviction may be proved in any manner in which it could have been proved if this Act had not been passed.

- (5) Subject to any express amendment or repeal made by this Act, the following provisions have effect in relation to any enactment passed before this Act:—
- (a) any enactment creating an offence by directing it to be felony shall be read as directing it to be an offence, and nothing in this Act shall affect the operation of any reference to an offence in the enactments specially relating to that offence by reason only of the reference being in terms no longer applicable after the commencement of this Act;
  - (b) any enactment referring to felonious stealing or to felonious taking shall be read as referring merely to stealing;
  - (c) nothing in this Act shall affect the punishment provided for an offence by the enactments specially relating to that offence.

*Subs.(6) rep. by 1968 c.10 (NI)*

- (7) In this Act references to felony shall not be taken as including treason; but the procedure on trials for treason or misprision of treason shall be the same as the procedure as altered by this Act on trials for murder.
- (8) In this Act “enactment” means any statutory provision within the meaning of paragraph (f) of section 1 of the Interpretation Act (Northern Ireland) 1954 .

## **15 Short title and repeals.**

- (1) This Act may be cited as the Criminal Law Act (Northern Ireland) 1967.

*Subs.(2), with Schedule 2, effects repeals*

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**Changes to legislation:** *There are currently no known outstanding effects for the Criminal Law Act (Northern Ireland) 1967. (See end of Document for details)*

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*Schedule 1—Amendments*

*Schedule 2—Repeals*



**Changes to legislation:**

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