

1989 No. 442

POLICE

**The Northern Ireland Criminal Records (Recordable Offences)
Regulations 1989**

Made 21st November 1989

Coming into operation 1st January 1990

To be laid before Parliament

The Secretary of State, in pursuance of Article 29(4) of the Police and Criminal Evidence (Northern Ireland) Order 1989(a), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Northern Ireland Criminal Records (Recordable Offences) Regulations 1989 and shall come into operation on 1st January 1990.

Recordable offences

2.—(1) There may be recorded in Northern Ireland Criminal Records convictions for offences punishable with imprisonment and for offences under—

- (a) (i) section CLXVII of the Belfast Improvement Act 1845(b) (subject to paragraph (3));
- (ii) section 28 of the Town Police Clauses Act 1847(c) (subject to paragraphs (3) and (4));
- (iii) section 72 of the Towns Improvement (Ireland) Act 1854(d) (subject to paragraphs (3) and (4));
- (b) section 43 of the Telecommunications Act 1984(e) (improper use of public telecommunications system);
- (c) Article 173 of the Road Traffic (Northern Ireland) Order 1981(f) (tampering with motor vehicles);
- (d) Article 3 of the Malicious Communications (Northern Ireland) Order 1988(g) (offence of sending letters etc. with intent to cause distress or anxiety); and
- (e) section 139(1) of the Criminal Justice Act 1988(h) (offence of having article with blade or point in public place).

(a) S.I. 1989/1341 (N.I. 12)
 (b) 1845 c. cxliii
 (c) 1847 c. 89
 (d) 1854 c. 103
 (e) 1984 c. 12
 (f) S.I. 1981/154 (N.I. 1)
 (g) S.I. 1988/1849 (N.I. 18)
 (h) 1988 c. 33

(2) The reference in paragraph (1) to offences punishable with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under any enactment on the punishment of young offenders.

(3) The references to the offences in sub-paragraph (1)(a) are only in relation to the offence of loitering and importuning by a common prostitute or nightwalker.

(4) Reference to the sections mentioned in heads (ii) and (iii) of paragraph (1)(a) include references to those sections as incorporated with any other statutory provision.

(5) Where a person's convictions are so recordable, there may also be so recorded his convictions for any other offences in the same proceedings.

P. L. Brooke

Northern Ireland Office
21st November 1989

One of Her Majesty's Principal
Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Regulations.)

The regulations make provision for recording in Northern Ireland Criminal Records convictions for the offences specified in regulation 2.

Offences so specified are in the Police and Criminal Evidence (Northern Ireland) Order 1989 called "recordable offences" (Article 2(2)); Articles 29 and 61 of the 1989 Order make provision in relation to the taking of fingerprints by the police of persons charged with, informed that they will be reported for, or convicted of recordable offences. (The power of a magistrate to order the taking of fingerprints under Article 61 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) is repealed by Part I of Schedule 7 to the 1989 Order as from the 1st January 1990, when the regulations come into operation).