



# 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.

**F1** 1990 c. 31

### 4 Penalties for assisting offenders.

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

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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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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 so 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.]]

<sup>F5F4</sup>(2) If on the trial of an indictment for [<sup>F6</sup>a relevant offence]<sup>F6</sup> 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)*

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| <b>F2</b> | Words in s. 4(1) substituted (1.3.2007) by <a href="#">Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2))</a> , arts. 1(2), 15(4), <b>Sch. 1 para. 13(1)(a)(i)</b>  |
| <b>F3</b> | Words in s. 4(1) substituted (1.3.2007) by <a href="#">Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2))</a> , arts. 1(2), 15(4), <b>Sch. 1 para. 13(1)(a)(ii)</b> |
| <b>F4</b> | S. 4(1A) substituted (1.3.2007) by <a href="#">Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2))</a> , arts. 1(2), 15(4), <b>Sch. 1 para. 13(1)(b)</b>             |
| <b>F5</b> | Words in s. 4(1A) inserted (2.2.2009) by <a href="#">Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2))</a> , arts. 1(3), <b>79(2)</b> ; S.R. 2008/510, <b>art. 2</b>                       |
| <b>F6</b> | Words in s. 4(2) substituted (1.3.2007) by <a href="#">Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2))</a> , arts. 1(2), 15(4), <b>Sch. 1 para. 13(1)(c)</b>     |
| <b>F7</b> | 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]<sup>F8</sup>, 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]<sup>F9</sup> 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]<sup>F10</sup> 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.
- (5) The compounding of an offence other than treason shall not be an offence otherwise than under this section.

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- 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—
  - (a) he shall in all cases be entitled to make a plea of not guilty in addition to any demurrer or special plea;
  - (b) 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;
  - (c) 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—
  - (a) of manslaughter, or of causing grievous bodily harm with intent to do so; or
  - (b) of any offence of which he may be found guilty under an enactment specifically so providing, or under section 4(2); or
  - (c) 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.
- (7) Subsections (1) to (4) above ...<sup>F13</sup>, shall apply to an indictment containing more than one count as if each count were a separate indictment.