

*Aggravation by reason of vulnerability***Aggravation by reason of vulnerability**

36.—(1) It may be specified as an allegation alongside a charge of an offence against a person (“A”) that the offence is aggravated by reason of the victim’s vulnerability, but this is subject to subsection (6).

(2) An offence committed by A is aggravated by reason of the victim’s vulnerability, if at the time of committing the offence—

(a) the victim was a vulnerable person, and

(b) A knew, or ought reasonably to have known, that the victim was a vulnerable person.

(3) Subsection (4) applies where—

(a) an allegation of aggravation is specified as mentioned in subsection (1), and

(b) the aggravation as well as the charge is proved.

(4) The court must—

(a) state on conviction that the offence is aggravated by reason of the victim’s vulnerability,

(b) record the conviction in a way that shows that the offence is so aggravated,

(c) in determining the appropriate sentence, treat the fact that the offence is so aggravated as a factor that increases the seriousness of the offence, and

(d) in imposing sentence, explain how the fact that the offence is so aggravated affects the sentence imposed.

(5) However, if—

(a) the charge is proved, but

(b) the aggravation is not proved,

A’s conviction is as if there were no reference to the aggravation alongside the charge.

(6) This section does not apply where the characteristic of the victim relied upon to prove that the victim was a vulnerable person at the time of the offence being committed is also an element of the offence.

(7) In this section, “vulnerable person” means—

(a) a person under the age of 18, or

(b) a person whose ability to protect himself or herself from violence, abuse, neglect or exploitation is significantly impaired through physical or mental disability or illness, old age or for any other reason.

*Public workers etc***Assaults on public workers etc**

37.—(1) A person commits an offence if the person—

(a) assaults a public worker who is acting in the exercise of functions as such a worker (“P”), and

- (b) knows, or ought reasonably to know, that P is such a worker.
- (2) A person commits an offence if the person—
- (a) assaults a person assisting a public worker who is acting in the exercise of functions as such a worker (“Q”), and
- 5 (b) knows, or ought reasonably to know, that Q is assisting such a worker.
- (3) A public worker is a person employed or engaged to—
- (a) provide a service to the public,
- (b) perform a public duty, or
- (c) deliver a public service.
- 10 (4) It is immaterial for the purposes of subsection (3) whether the employment or engagement is paid or unpaid.
- (5) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both;
- 15 (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
- (6) In this section—
- (a) a reference to providing services to the public includes a reference to providing goods or facilities to the public;
- 20 (b) a reference to the public includes a reference to a section of the public.

**Aggravation where offence committed against public workers**

- 38.**—(1) It may be specified as an allegation alongside a charge of a specified offence against a person (“A”) that the offence is aggravated by reason of being committed against a public worker.
- 25 (2) An offence committed by A is aggravated by reason of being committed against a public worker if—
- (a) the offence is committed against a public worker who is acting in the exercise of functions as such a worker (“P”), and
- (b) A knew, or ought reasonably to have known, that P was such a worker.
- 30 (3) The following are specified offences for the purposes of subsection (1)—
- (a) manslaughter;
- (b) kidnapping;
- (c) an offence under any of the following provisions of the Offences against the Person Act 1861—
- 35 (i) section 16 (threats to kill);
- (ii) section 18 (wounding with intent to cause grievous bodily harm);
- (iii) section 20 (malicious wounding);
- (iv) section 23 (administering poison etc);
- (v) section 28 (causing bodily injury by explosives);

- (vi) section 29 (using explosives etc with intent to do grievous bodily harm);
- (vii) section 47 (assault occasioning actual bodily harm);
- 5 (d) an offence under section 28 of the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (non-fatal strangulation or asphyxiation);
- (e) an offence under Article 7 of the Sexual Offences (Northern Ireland) Order 2008 (sexual assault);
- 10 (f) an ancillary or inchoate offence in relation to an offence falling within any of the preceding paragraphs.

(4) In this section—

“ancillary offence” in relation to an offence, means an offence of aiding, abetting, counselling or procuring the commission of the offence;

“inchoate offence” in relation to an offence, means—

- 15 (a) an attempt to commit the offence;
- (b) a conspiracy to commit the offence; or
- (c) an offence under Part 2 of the Serious Crime Act 2007 related to the offence;

“public worker” has the meaning given by section 37.

20 (5) For the purposes of this section, an offence committed by a person under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) is related to another offence if that other offence is the offence (or one of the offences) which the person intended or believed would be committed.

25 (6) Nothing in this section prevents a court from treating the fact that an offence was committed against a public worker acting in the exercise of functions as such a worker as an aggravating factor in relation to offences not listed in subsection (3).

**Consequences of aggravation where offence committed against public workers**

30 **39.**—(1) Subsection (2) applies where—

- (a) an allegation of aggravation is specified as mentioned in section 38(1), and
- (b) the aggravation as well as the charge is proved.

(2) The court must—

- 35 (a) state on conviction that the offence is aggravated by reason of being committed against a public worker acting in the exercise of functions as such a worker,
- (b) record the conviction in a way that shows the offence is so aggravated,
- (c) in determining the appropriate sentence, treat the fact that the offence is so aggravated as a factor that increases the seriousness of the offence, and
- 40 (d) in imposing sentence, explain how the fact that the offence is so aggravated affects the sentence imposed.

(3) However, if—

(a) the charge is proved, but  
(b) the aggravation is not proved,  
the offender's conviction is as if there were no reference to the aggravation  
alongside the charge.

5

PART 7

ROAD TRAFFIC OFFENCES

**Causing death or grievous bodily injury by driving while disqualified**

40.—(1) After Article 12B of the Road Traffic (Northern Ireland) Order 1995  
insert—

10

**“Causing death or grievous bodily injury by driving: disqualified driver**

12C. A person is guilty of an offence under this Article if the person—

(a) causes the death of, or grievous bodily injury to, another person by  
driving a motor vehicle on a road, and

15

(b) at that time, is committing an offence under Article 168A(1)(c) of  
the Road Traffic (Northern Ireland) Order 1981 (driving while  
disqualified).”.

(2) In Part 1 of Schedule 1 to the Road Traffic Offenders (Northern Ireland)  
Order 1996 (offences under road traffic Orders), after the entry relating to Article  
12B of the Road Traffic (Northern Ireland) Order 1995, insert—

20

“Article 12C	Causing death or grievous bodily injury by driving: disqualified drivers.	(a) Summarily. (b) On indictment.	(a) 12 months or the statutory maximum or both. (b) 4 years or a fine or both.	Obligatory. Obligatory. 3-11”.
-----------------	--	--	---	--------------------------------

25

30

**Period of imprisonment for certain offences**

41.—(1) Part 1 of Schedule 1 to the Road Traffic Offenders (Northern Ireland)  
Order 1996 (offences under road traffic Orders) is amended as follows.

35

(2) In the entry relating to Article 9 of the Road Traffic (Northern Ireland)  
Order 1995 (causing death, or grievous bodily injury, by dangerous driving), in  
column 4, for “14 years” substitute “20 years”.

(3) In the entry relating to Article 14 of the Road Traffic (Northern Ireland)  
Order 1995 (causing death, or grievous bodily injury, by careless driving when  
under influence of drink or drugs), in column 4, for “14 years” substitute “20  
years”.