

*Status: Point in time view as at 17/10/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Committal Reform) Act (Northern Ireland) 2022. (See end of Document for details)*

## SCHEDULE

Section 3.

### Amendments and repeals: Abolition of preliminary investigations and mixed committals

#### *The Criminal Justice Act (Northern Ireland) 1945 (c. 15)*

1. In section 45(1) in the definition of “court of summary jurisdiction” for “investigation of” substitute “inquiry into”.

##### Commencement Information

- I1 Sch. para. 1 not in operation at Royal Assent, see [s. 5\(2\)](#)
- I2 [Sch. para. 1](#) in operation at 17.10.2022 by [S.R. 2022/221](#), [art. 2\(d\)](#)

#### *The Electoral Law Act (Northern Ireland) 1962 (c. 14)*

2. In section 110(1) for “investigation of” substitute “inquiry into”.

##### Commencement Information

- I3 Sch. para. 2 not in operation at Royal Assent, see [s. 5\(2\)](#)
- I4 [Sch. para. 2](#) in operation at 17.10.2022 by [S.R. 2022/221](#), [art. 2\(d\)](#)

#### *The Costs in Criminal Cases Act (Northern Ireland) 1968 (c. 10)*

3. In section 3(1) for “investigation of” (twice) substitute “inquiry into”.

##### Commencement Information

- I5 Sch. para. 3 not in operation at Royal Assent, see [s. 5\(2\)](#)
- I6 [Sch. para. 3](#) in operation at 17.10.2022 by [S.R. 2022/221](#), [art. 2\(d\)](#)

#### *The Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28)*

4. In section 1(9) for “investigation of” substitute “inquiry into”.

##### Commencement Information

- I7 Sch. para. 4 not in operation at Royal Assent, see [s. 5\(2\)](#)
- I8 [Sch. para. 4](#) in operation at 17.10.2022 by [S.R. 2022/221](#), [art. 2\(d\)](#)

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### *The Criminal Jurisdiction Act 1975 (c. 59)*

5. Sections 4(3) and 10 are repealed.

#### **Commencement Information**

- I9** Sch. para. 5 not in operation at Royal Assent, see **s. 5(2)**  
**I10** Sch. para. 5 in operation at 17.10.2022 by S.R. 2022/221, **art. 2(d)**

### *The Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*

6. In section 41(2)(b) the words “preliminary investigation or” are repealed.

#### **Commencement Information**

- I11** Sch. para. 6 not in operation at Royal Assent, see **s. 5(2)**  
**I12** Sch. para. 6 in operation at 17.10.2022 by S.R. 2022/221, **art. 2(d)**

### *The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8)*

7. In Article 29(2)(b) the words “the depositions taken at the preliminary investigation or, as the case may be,” and “, and any depositions taken,” are repealed.

#### **Commencement Information**

- I13** Sch. para. 7 not in operation at Royal Assent, see **s. 5(2)**  
**I14** Sch. para. 7 in operation at 17.10.2022 by S.R. 2022/221, **art. 2(d)**

### *The Magistrates’ Courts (Northern Ireland) Order 1981 (NI 26)*

8.—(1) The following provisions are repealed—

- (a) in Article 2(3), in the definition of “summary proceeding”, the words “a preliminary investigation or” and “investigation or”;
- (b) in Article 16(1)(a) the words “or a preliminary investigation”;
- (c) Article 31.

(2) In Article 32(1) for the words from the beginning to “together with” in subparagraph (a) substitute—

“(1) Where a preliminary inquiry into an indictable offence is to be held by a magistrates’ court, the prosecution shall—

- (a) send”.

(3) The following provisions are repealed—

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- (a) in Article 32(1)(b) the words “a copy of that notice together with”;
- (b) Article 32(3) and (4)(a);
- (c) in Article 33(1) the words “to the like extent as oral evidence to the like effect by that person”;
- (d) in Article 35 the words “a preliminary investigation or” and “investigation or”;
- (e) Article 37(1);
- (f) in Article 37(5) the words “investigation or”;
- (g) in Article 39(1) the words “investigation or”;
- (h) in Article 42(1) the words from “or the deposition taken” to “on his behalf”;
- (i) in Article 42(3) the words “(other than a statement which is to be disregarded under Article 34(2))”;
- (j) in Article 44(1) and (2) the words “investigation or”;
- (k) in Article 46(1) the words “whether any evidence shall then have been given or not”;
- (l) in Article 46(2) the words “depositions shall be taken or, as the case may require,”;
- (m) in Schedule 4 in paragraphs 1 and 3 the words “the preliminary investigation or”;
- (n) in Schedule 5, paragraph 3.

**Commencement Information**

**I15** Sch. para. 8 not in operation at Royal Assent, see **s. 5(2)**

**I16** Sch. para. 8 in operation at 17.10.2022 by S.R. 2022/221, **art. 2(d)**

*The Mental Health (Northern Ireland) Order 1986 (NI 4)*

- 9.** In Article 58(7) the words “preliminary investigation or” are repealed.

**Commencement Information**

**I17** Sch. para. 9 not in operation at Royal Assent, see **s. 5(2)**

**I18** Sch. para. 9 in operation at 17.10.2022 by S.R. 2022/221, **art. 2(d)**

*The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (NI 16)*

- 10.** Article 3(1)(c)(i) is repealed.

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#### Commencement Information

- I19** Sch. para. 10 not in operation at Royal Assent, see **s. 5(2)**  
**I20** Sch. para. 10 in operation at 17.10.2022 by S.R. 2022/221, **art. 2(d)**

#### *The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)*

**11.** The following provisions are repealed—

- (a) Article 80A(4)(a);  
(b) in Article 81(1A)—  
    (i) in sub-paragraph (a) the words “to preliminary investigations or preliminary inquiries into indictable offences,”;  
    (ii) sub-paragraph (c) and the word “and” immediately before it;  
(c) in Article 81(7) the words “at a preliminary investigation or a preliminary inquiry into an indictable offence or”;  
(d) Article 81A(10).

#### Commencement Information

- I21** Sch. para. 11 not in operation at Royal Assent, see **s. 5(2)**  
**I22** Sch. para. 11 in operation at 17.10.2022 by S.R. 2022/221, **art. 2(d)**

#### *The Children’s Evidence (Northern Ireland) Order 1995 (NI 3)*

**12.** Article 4(2)(a) is repealed.

#### Commencement Information

- I23** Sch. para. 12 not in operation at Royal Assent, see **s. 5(2)**  
**I24** Sch. para. 12 in operation at 17.10.2022 by S.R. 2022/221, **art. 2(d)**

#### *The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)*

**13.** In Article 9(1) the words “investigation or” are repealed.

#### Commencement Information

- I25** Sch. para. 13 not in operation at Royal Assent, see **s. 5(2)**  
**I26** Sch. para. 13 in operation at 17.10.2022 by S.R. 2022/221, **art. 2(d)**

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*The Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9)*

14. The following provisions are repealed—

- (a) Article 23;
- (b) in Article 29(2)(b)(i) the words “preliminary investigation or”;
- (c) in Schedule 5, paragraph 18.

**Commencement Information**

- I27 Sch. para. 14 not in operation at Royal Assent, see **s. 5(2)**
- I28 Sch. para. 14 in operation at 17.10.2022 by S.R. 2022/221, **art. 2(d)**

*The Criminal Evidence (Northern Ireland) Order 1999 (NI 8)*

15. The following provisions are repealed—

- (a) Article 15(10);
- (b) in Article 29(3)(a) the words “preliminary investigation or”.

**Commencement Information**

- I29 Sch. para. 15 not in operation at Royal Assent, see **s. 5(2)**
- I30 Sch. para. 15 in operation at 17.10.2022 by S.R. 2022/221, **art. 2(d)**

*The Criminal Justice (Northern Ireland) Order 2004 (NI 9)*

16. Article 10(2)(c) is repealed.

**Commencement Information**

- I31 Sch. para. 16 not in operation at Royal Assent, see **s. 5(2)**
- I32 Sch. para. 16 in operation at 17.10.2022 by S.R. 2022/221, **art. 2(d)**

*The Justice and Security (Northern Ireland) Act 2007 (c. 6)*

17. Section 3 is repealed.

**Commencement Information**

- I33 Sch. para. 17 not in operation at Royal Assent, see **s. 5(2)**
- I34 Sch. para. 17 in operation at 17.10.2022 by S.R. 2022/221, **art. 2(d)**

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*The Justice Act (Northern Ireland) 2015 (c. 9)*

**18.** The following provisions are repealed—

- (a) Chapter 1 of Part 2;
- (b) in section 13(3) the words “(1) or”;
- (c) section 49(12);
- (d) in Schedule 9, Part 2.

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**Commencement Information**

**I35** Sch. para. 18 not in operation at Royal Assent, see **s. 5(2)**

**I36** Sch. para. 18 in operation at 17.10.2022 by S.R. 2022/221, **art. 2(d)**

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