

*Status: Point in time view as at 19/01/2020.*

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## STATUTORY INSTRUMENTS

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# 1981 No. 1675

## The Magistrates' Courts (Northern Ireland) Order 1981

### PART V **N.I.**

#### CRIMINAL JURISDICTION AND PROCEDURE

##### *Jurisdiction to deal with offences*

#### **General jurisdiction to deal with charges **N.I.****

[<sup>F1</sup>16.—(1) A magistrates' court has jurisdiction—

- (a) to conduct a preliminary inquiry or a preliminary investigation into any indictable offence;
- (b) to hear and determine a complaint charging any summary offence.

(2) A district judge (magistrates' courts) exercising the powers conferred by Article 45 and 46 has jurisdiction to try summarily any indictable offence.

(3) References above to offences are to offences, wherever committed, which are cognisable under the law of Northern Ireland.]

**F1** [Art. 16](#) substituted (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 86\(5\)](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387](#), art. 2(k) (with art. 3)

#### **Offences committed on boundaries or on journeys: offences begun in one jurisdiction and completed in another **N.I.****

[<sup>F2</sup>17. ....]

**F2** [Art. 17](#) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 86\(6\)](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387](#), art. 2(k)(m) (with art. 3)

#### [<sup>F3</sup>**Offences committed on ships and abroad **N.I.****

**17A.** Sections 280, 281 and 282 of the Merchant Shipping Act 1995 (offences on ships and abroad by British citizens and others) apply in relation to other offences under the law of Northern Ireland as they apply in relation to offences under that Act or instruments under that Act.]

**F3** [1995 c. 21](#)

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## Summary trial of charges in and out of petty sessions **N.I.**

**18.**—(1) Except as otherwise provided by this Article, a complaint charging a summary offence or an indictable offence with which the court has decided to deal summarily under this Order or any other enactment shall be heard and determined by a court of summary jurisdiction.

(2) A resident magistrate, if satisfied that a person charged with a summary offence or with an indictable offence which he has decided to deal with summarily in accordance with this Order or any other enactment is unable to give bail for his appearance before a court of summary jurisdiction, may hear and determine the complaint out of petty sessions.

*Para. (3) rep. by 2002 c. 26*

(4) Procedure before a resident magistrate or<sup>F4</sup> lay magistrate] sitting out of petty sessions shall be as before a court of summary jurisdiction and—

- (a) a resident magistrate<sup>F4</sup> . . . so sitting may in relation to any matter which he has jurisdiction to hear and determine under paragraph (2)<sup>F4</sup> . . . exercise all the powers of a court of summary jurisdiction; and
- (b) orders made by a resident magistrate or<sup>F4</sup> lay magistrate] so sitting shall have effect as orders made by a court of summary jurisdiction <sup>F5</sup>....

**F4** 2002 c. 26

**F5** Words in art. 18(4)(b) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 86(7), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

## Time within which complaint charging offence must be made to give jurisdiction **N.I.**

<sup>F6F7</sup>**19.**—(1) Where no period of limitation is provided for by any other enactment—

- (a) a magistrates' court shall not have jurisdiction to hear and determine a complaint charging the commission of a summary offence other than an offence which is also triable upon indictment unless the complaint was made within six months from the time when the offence was committed or ceased to continue; and
- (b) a complaint charging the commission of an indictable offence may be made to a justice of the peace and dealt with at any time and, accordingly, a resident magistrate may at any time after an indictable offence was alleged to have been committed exercise any jurisdiction conferred on him by Articles 45 and 46 or by any other enactment to try that offence summarily.

(2) Subject to paragraph (4), a complaint charging the commission of an offence which is both punishable upon summary conviction or triable upon indictment may be made and dealt with at any time and, accordingly, nothing in any other enactment (however framed or worded) which, as regards any offence to which it applies, would but for this Article impose a time-limit on the power of a magistrates' court to hear and determine a complaint charging the commission of a summary offence or impose a limitation on the time for taking summary proceedings shall apply in relation to any offence which is both punishable upon summary conviction or triable upon indictment.

(3) Without prejudice to the generality of paragraph (2), that paragraph includes enactments which impose a time-limit that applies only in certain circumstances (for example where the proceedings are not instituted by or with the consent of the Director of Public Prosecutions for Northern Ireland or some other specified authority).

(4) Where as regards any indictable offence there is imposed by any enactment (however framed or worded and whether falling within paragraph (2) or not) a limitation on the time for taking proceedings on indictment for that offence no summary proceedings for that offence shall be taken after the latest time for taking proceedings on indictment.

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- F6** mod. by SI 1994/1323, 2328  
**F7** mod. by 1985 c. 49

#### Modifications etc. (not altering text)

- C1** Art. 19 excluded (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), **ss. 41(8)(b)**, 126(2)
- C2** Art. 19 excluded (10.4.2009) by Iran (United Nations Sanctions) Order 2009 (S.I. 2009/886), **art. 12(8)**
- C3** Art. 19 excluded (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by Planning Act (Northern-Ireland) 2011 (c. 25), **ss. 172(3)**, 254(1), (2) (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)
- C4** Art. 19 excluded (12.10.2015) by The Nagoya Protocol (Compliance) Regulations 2015 (S.I. 2015/821), regs. 1(3), **16(5)** (with regs. 1(5), 12)
- C5** Art. 19 excluded by 2006 c. 36, s. 107(3C)(b) (as inserted (27.6.2017) by Digital Economy Act 2017 (c. 30), **ss. 13(2)**, 118(2) (with s. 13(4)))
- C6** Art. 19(1) excluded (26.5.2008) by Business Protection from Misleading Marketing Regulations 2008 (S.I. 2008/1276), **reg. 10(6)**
- C7** Art. 19(1) excluded (26.5.2008) by Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), **reg. 14(6)** (with savings in reg. 28(2)(3))
- C8** Art. 19(1) excluded (13.9.2010) by Forestry Act (Northern Ireland) 2010 (c. 10), **ss. 34(1)**, 39(1) (with s. 37); S.R. 2010/309, **art. 2**, Sch.
- C9** Art. 19(1) excluded by S.R. 1996/558, reg. 26A(1) (as inserted (1.1.2012) by Welfare of Animals (Slaughter or Killing) (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/407), **reg. 5**)
- C10** Art. 19(1) excluded by SR 1996/558 reg. 26A (as inserted (1.1.2012) by The Welfare of Animals (Slaughter or Killing) (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/407), regs. 1, **5**)
- C11** Art. 19(1) excluded (30.4.2012) by The Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012 (S.I. 2012/1017), regs. 1(2), **71(4)** (with regs. 73, 74)
- C12** Art. 19(1) excluded (8.5.2012) by The Textile Products (Labelling and Fibre Composition) Regulations 2012 (S.I. 2012/1102), regs. 1, **7(6)**
- C13** Art. 19(1)(a) excluded (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), **299(3)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (with art. 3, Sch. 2)
- C14** Art. 19(1)(a) modified (at 10.10 am. on 8.10.2008) by Landsbanki Freezing Order 2008 (S.I. 2008/2668), **art. 10(5)**
- C15** Art. 19(1)(a) excluded by Child Support (Northern Ireland) Order 1991 (S.I. 1991/2628 (N.I. 23)), art. 16A(6) (as added (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 32(3)**, 36(1)(n))
- C16** Art. 19(1)(a) modified (6.6.2012) by Justice Act (Northern Ireland) 2011 (c. 24), **ss. 68(6)**, 111(3) (with Sch. 6 para. 7); S.R. 2012/214, art. 2(m)
- C17** Art. 19(1)(a) modified (6.6.2012) by Justice Act (Northern Ireland) 2011 (c. 24), **ss. 69(4)(b)**, 111(3) (with Sch. 6 para. 7); S.R. 2012/214, art. 2(m)
- C18** Art. 19(1)(a) excluded (7.8.2014) by The Merchant Shipping (Maritime Labour Convention) (Recruitment and Placement) Regulations 2014 (S.I. 2014/1615), regs. 1(2), **9(4)**
- C19** Art. 19(1)(a) excluded (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by Planning Act (Northern-Ireland) 2011 (c. 25), **ss. 244**, 254(1), (2) (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)
- C20** Art. 19(1)(a) applied (with modifications) (22.1.2016) by The Andrey Lugovoy and Dmitri Kovtun Freezing Order 2016 (S.I. 2016/67), arts. 1(1), **10(5)**
- C21** Art. 19(1)(a) excluded (1.2.2017) by The Single Common Market Organisation (Exceptional Adjustment Aid) Regulations (Northern Ireland) 2017 (S.R. 2017/13), regs. 1(2), **14(5)**
- C22** Art. 19(1)(a) excluded (1.3.2017) by The Areas of Natural Constraint Regulations (Northern Ireland) 2017 (S.R. 2017/8), regs. 1, **16(5)**

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- C23** Art. 19(1)(a) modified (22.1.2018 at 12 noon) by [The Andrey Lugovoy and Dmitri Kovtun Freezing Order 2018 \(S.I. 2018/60\)](#), arts. 1(1), **10(5)**
- C24** Art. 19(1)(a) modified (19.1.2020) by [The Andrey Lugovoy and Dmitri Kovtun Freezing Order 2020 \(S.I. 2020/36\)](#), arts. 1, **10(5)** (with art. 1(3))

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