

*Status:* This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the War Crimes Act 1991, Paragraph 9. (See end of Document for details)

PROSPECTIVE

## SCHEDULE

### PROCEDURE IN LIEU OF COMMITTAL

#### [<sup>F1</sup>PART II]

#### NORTHERN IRELAND

##### Textual Amendments

- F1** Sch. Pt. II repealed (N.I.) (4.7.1996) by 1996 c. 25, ss. 46(1), 80, Sch. 5 (as substituted by 1996 c. 25, s. 79(4), Sch. 4 paras. 19(1), 36) (with s. 78(1))

##### *Remand*

- <sup>F19</sup> (1) If a magistrates' court has remanded a person to whom a notice of transfer relates in custody, it shall have power—
- (a) to order that he shall be safely kept in custody until delivered in due course of law; or
  - (b) to release him on bail, that is to say, by directing him to appear before the Crown Court for trial;
- and where his release on bail is conditional on his providing one or more sureties and the court fixes the amount in which the surety is to be bound with a view to his entering into his recognisance subsequently, the court shall in the meantime make an order such as is mentioned in paragraph (a) of this sub-paragraph.
- (2) Where a notice of transfer is given after a person to whom it relates has been remanded on bail to appear before a magistrates' court on an appointed day, the requirement that he shall so appear shall cease on the giving of the notice unless the notice states that it is to continue.
- (3) Where that requirement ceases by virtue of sub-paragraph (2) above, it shall be duty of the person in question to appear before the Crown Court at the place specified by the notice of transfer as the proposed place of trial or at any place substituted for it by a direction under section 48(2) or (3) of the Judicature (Northern Ireland) Act 1978.
- (4) If, in a case where the notice states that the requirement mentioned in sub-paragraph (2) above is to continue, a person to whom the notice relates appears before the magistrates' court, the court shall have—
- (a) the powers and duties conferred on a magistrates' court by sub-paragraph (1) above but subject as there provided; and
  - (b) power to enlarge, in the surety's absence, a recognisance conditioned in accordance with Article 47(1)(b) or 48 of the <sup>M1</sup>Magistrates' Courts (Northern Ireland) Order 1981 so that the surety is bound to secure that the person charged appears also before the Crown Court.

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**Marginal Citations**

- M1** S.I. 1981/1675 (N.I.26).

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