

Status: Point in time view as at 31/10/2016. This version of this schedule contains provisions that are prospective.
Changes to legislation: Justice Act (Northern Ireland) 2015, SCHEDULE 2 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 2

Section 16

AMENDMENTS: DIRECT COMMITTAL FOR TRIAL

The Grand Jury (Abolition) Act (Northern Ireland) 1969 (c. 15)

1.—(1) Section 2 (procedures for indictment of offenders) is amended as follows.

(2) After subsection (3) insert—

“(3A) Subsection (3) does not apply in a case where the indictment is presented against a person who was committed for trial under Chapter 2 of Part 2 of the Justice Act (Northern Ireland) 2015.”.

(3) After subsection (5) insert—

“(5ZA) In a case where the indictment is presented against a person who was committed for trial under Chapter 2 of Part 2 of the Justice Act (Northern Ireland) 2015—

(a) subsection (5) does not apply; and

(b) the indictment or any count in the indictment may charge any other indictable offence which is founded on facts or evidence disclosed in the documents given to the Crown Court in accordance with provision made under section 13(2)(a) of that Act;

but the judge presiding at the court before which the indictment is presented may, if he thinks it just to do so, disallow or quash any indictment or count presented by virtue of this subsection.”.

(4) In subsection (6) after “(5)” insert “ or (5ZA) ”.

The Evidence of Alibi Act (Northern Ireland) 1972 (c. 6)

2 In section 1(1)(a) (notice of alibi) for “the end of the committal proceedings” (in each place where it occurs) substitute “ the date on which the accused was committed for trial ”.

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

3 In Article 29 (free legal aid in the Crown Court) after paragraph (2) insert—

“(2A) In a case where a person has been committed for trial under Chapter 2 of Part 2 of the Justice Act (Northern Ireland) 2015, paragraph (2)(b) applies with the substitution for the words from “reading” to the end of the words “reading the documents given to the Crown Court in accordance with provision made under section 13(2)(a) of the Justice Act (Northern Ireland) 2015.”.

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

4 In Article 3(1)(b) (notice of transfer) after “committed for trial” insert “ in committal proceedings ”.

The Criminal Evidence (Northern Ireland) Order 1988 (NI 20)

5.—(1) In Article 3 (circumstances in which inferences may be drawn from accused's failure to mention particular facts when questioned, charged, etc.) in paragraph (2)—

(a) in sub-paragraph (a) after “to commit the accused for trial” insert “ in committal proceedings ”; and

(b) in sub-paragraph (b)(ii) for the “and” at the end substitute “or

(iii) section 14 of the Justice Act (Northern Ireland) 2015 (application for dismissal of charge by person committed for trial under section 11 or 12 of that Act); and”.

(2) In Article 5 (inferences from failure or refusal to account for objects, marks, etc.) in paragraph (2)—

(a) in sub-paragraph (a) after “to commit the accused for trial” insert “ in committal proceedings ”; and

(b) in sub-paragraph (aa)(ii) for the “and” at the end substitute “or

(iii) section 14 of the Justice Act (Northern Ireland) 2015 (application for dismissal of charge by person committed for trial under section 11 or 12 of that Act); and”.

(3) In Article 6 (inferences from failure or refusal to account for presence at a particular place) in paragraph (2)—

(a) in sub-paragraph (a) after “to commit the accused for trial” insert “ in committal proceedings ”; and

(b) in sub-paragraph (aa)(ii) for the “and” at the end substitute “or

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(iii) section 14 of the Justice Act (Northern Ireland) 2015 (application for dismissal of charge by person committed for trial under section 11 or 12 of that Act); and”.

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

- 6.—(1) In Article 56 (intimate searches) in paragraph (13A)—
- (a) in sub-paragraph (a) after “to commit the accused for trial” insert “ in committal proceedings ”; and
 - (b) in sub-paragraph (b)(ii) for the “and” at the end substitute “or
 - (iii) section 14 of the Justice Act (Northern Ireland) 2015 (application for dismissal of charge by person committed for trial under section 11 or 12 of that Act); and”.
- (2) In Article 56A (X-rays and ultrasound scans) in paragraph (9)—
- (a) in sub-paragraph (a) after “to commit the accused for trial” insert “ in committal proceedings ”; and
 - (b) in sub-paragraph (b)(ii) for the “and” at the end substitute “or
 - (iii) section 14 of the Justice Act (Northern Ireland) 2015 (application for dismissal of charge by person committed for trial under section 11 or 12 of that Act); and”.
- (3) In Article 62 (intimate samples) in paragraph (10)—
- (a) in sub-paragraph (a)(i) after “to commit that person for trial” insert “ in committal proceedings ”; and
 - (b) after sub-paragraph (aa) insert—
 - “(ab) a judge in deciding whether to grant an application under section 14 of the Justice Act (Northern Ireland) 2015 (application for dismissal of charge by person committed for trial under section 11 or 12 of that Act); and”.

The Children's Evidence (Northern Ireland) Order 1995 (NI 3)

7 In Article 4(1)(a) (notice of transfer) after “committed for trial” insert “ in committal proceedings ”.

The Criminal Procedure and Investigations Act 1996 (c. 25)

- 8 In section 5 (compulsory disclosure by accused) after subsection (1) insert—
- “(1A) Where this Part applies by virtue of section 1(2)(a) and the accused has been committed for trial under Chapter 2 of Part 2 of the Justice Act (Northern Ireland) 2015, this section does not apply unless the

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documents mentioned in section 13(2)(a) of that Act have been given to the accused in accordance with provision made under section 13(2)(a).”.

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

9 In Article 9 (power to join in indictment counts for certain summary offences) in paragraph (1) at the end add “ or in the documents which, in accordance with rules made by virtue of section 13(2)(a) of the Justice Act (Northern Ireland) 2015, were given to the person charged. ”.

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

10 In Article 29 (power of magistrates' court to remit a child for trial to a youth court) in paragraph (2)(b)(i) for the words from “conducts” to “commits him for trial or discharges him” substitute “ commits him for trial or (following committal proceedings) discharges him. ”

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

11 In Article 29 (interpretation and application of Article 28) in paragraph (3) after sub-paragraph (a) insert—

“(aa) the hearing of an application under section 14 of the Justice Act (Northern Ireland) 2015 (application for dismissal of charge by person committed for trial under section 11 or 12 of that Act),”.

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