

Status: Point in time view as at 30/09/2015. This version of this provision is not valid for this point in time.
Changes to legislation: Justice Act (Northern Ireland) 2015, Section 94 is up to date with all changes known to be in force on or before 02 August 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)



2015 CHAPTER 9

PART 9

MISCELLANEOUS

Defence access to premises

VALID FROM 29/01/2016

Defence access to premises

94.—(1) Where a person charged with an offence appears or is brought before a court in connection with that offence, the court may, on the application of that person, make an order under this section for access by or on behalf of that person to any premises specified in the order.

(2) Where a person convicted of an offence appeals against that conviction, the court to which the appeal lies may, on the application of that person, make an order under this section for access by or on behalf of that person to any premises specified in the order.

(3) In this section—

- (a) in relation to an order made under subsection (1), “D” and “the court” mean, respectively, the person and the court referred to in that subsection;
- (b) in relation to an order made under subsection (2), “D” and “the court” mean, respectively, the person and the court referred to in that subsection;

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- (c) “premises” means any place and, in particular, includes a vehicle, vessel or moveable object;
- (d) “specified”, in relation to an order under this section, means specified in the order.
- (4) The court shall not make an order under this section in relation to any premises unless it is satisfied that—
 - (a) access to the premises is required to ensure compliance with Article 6 of the European Convention on Human Rights; and
 - (b) the order is an appropriate means of securing such access.
- (5) An order under this section for access to any premises authorises the specified persons—
 - (a) to enter those premises;
 - (b) to inspect those premises and anything on those premises;
 - (c) to carry out any other specified activity on those premises or in relation to anything on those premises.
- (6) An order under this section does not of itself authorise the release of D from custody.
- (7) An order under this section may include conditions in connection with the access granted by the order to any premises including conditions—
 - (a) requiring the specified persons to be accompanied by a police officer at all times while on the premises;
 - (b) as to the date and time of day when access to the premises is to take place;
 - (c) as to the conduct of any activity specified under subsection (5)(c);
 - (d) as to such other matters as the court thinks fit.
- (8) An order under this section authorises entry to the specified premises on one occasion only; but nothing in this section prevents a court from making more than one order in relation to any premises.
- (9) An application to a court for an order under this section in relation to any premises is to be made in accordance with the rules governing the practice and procedure of that court; and such rules may in particular provide for—
 - (a) notice of the making of the application to be served on the occupier of the premises and any other persons appearing to the court to have an interest in the matter; and
 - (b) for such persons to have an opportunity to make representations to the court as to the conditions to be imposed in relation to any order made under this section.

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