
STATUTORY INSTRUMENTS

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.**

16.—(1) Subject to the provisions of this Part, a magistrates' court for a county court division may conduct a preliminary investigation or a preliminary inquiry into an indictable offence or hear and determine a complaint charging a summary offence, if in any such case—

- (a) the offence was committed in the county court division, or
- (b) the offence was committed elsewhere than in the county court division and the defendant is or is resident (or in the case of a body corporate has its registered office or principal place of business) within the county court division; or
- (c) it appears necessary or expedient with a view to the better administration of justice that the person charged with the offence should be tried or jointly tried with, or in the same place as, some other person who is charged with an offence and who is in custody or is being or is to be proceeded against within that county court division; or
- (d) the court under this or any other enactment or otherwise has jurisdiction to deal with the offence.

(2) A magistrates' court for a county court division having jurisdiction to hear a complaint charging a person with an offence may hear and determine a complaint charging that person with a summary offence committed in any other county court division.

(3) A resident magistrate exercising the powers conferred by Article 45 and 46 shall have jurisdiction to try summarily an indictable offence in any case in which under paragraph (1) he would have jurisdiction to conduct a preliminary investigation or a preliminary inquiry into the offence.

(4) Nothing in this Order shall deprive a court in Northern Ireland of any jurisdiction to deal with any offence, whether committed in the United Kingdom or elsewhere, as to which the court has jurisdiction at the making of this Order.

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

17.—(1) Where an offence has been committed on the boundary between two or more county court divisions, or within five hundred yards of such a boundary, or in any harbour, river, arm of the sea or other water lying between two or more county court divisions, the offence may be treated for the purposes of this Order as having been committed in either or any of those county court divisions.

(2) An offence begun in one county court division and completed in another may be treated for the purposes of this Order as having been committed in either.

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(3) Where an offence has been committed on any person, or on or in respect of any property, in or on a vehicle or vessel engaged on any journey or voyage through two or more county court divisions, the offence may be treated for the purposes of this Order as having been committed in either or any of those county court divisions.

(4) Where the side or any part of a road or any water along which a vehicle or vessel passed in the course of the journey or voyage forms the boundary between two or more county court divisions, the offence may be treated for the purposes of this Order as having been committed in either or any of those county court divisions.

[^{F1}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.]

F1 1995 c. 21

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^{F2} lay magistrate] sitting out of petty sessions shall be as before a court of summary jurisdiction and—

- (a) a resident magistrate^{F2}. . . so sitting may in relation to any matter which he has jurisdiction to hear and determine under paragraph (2)^{F2}. . . exercise all the powers of a court of summary jurisdiction; and
- (b) orders made by a resident magistrate or^{F2} lay magistrate] so sitting shall have effect as orders made by a court of summary jurisdiction sitting for the petty sessions district for which the resident magistrate^{F2} or lay magistrate] acted.

F2 2002 c. 26

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

^{F3F4}**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.

F3 mod. by SI 1994/1323, 2328

F4 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(1) excluded (26.5.2008) by Business Protection from Misleading Marketing Regulations 2008 (S.I. 2008/1276), **reg. 10(6)**
- C4 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))
- C5 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.
- C6 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**)
- C7 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**)
- C8 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)
- C9 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)**
- C10 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)
- C11 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)**
- C12 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))
- C13 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)
- C14 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)

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C15 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)**

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