

Changes to legislation: The Magistrates' Courts (Northern Ireland) Order 1981, SCHEDULE 4 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

SCHEDULE 4

Article 166.

CORPORATIONS

Modifications etc. (not altering text)

- C1** Sch. 4 applied (20.1.2007 for certain purposes, 6.4.2007 for certain purposes, 1.10.2007 for certain purposes, 6.4.2008 for certain purposes, 1.10.2008 for certain purposes, otherwise 1.10.2009) by Companies Act 2006 (c. 46), **ss. 1130(2)(b)(iii)**, 1300(2) (with s. 1133); S.I. 2006/3428, **art. 3(2)(b)** (subject to art. 5, Sch. 1 and with arts. 6, 8, Sch. 5); S.I. 2007/1093, **art. 2(2)(c)** (with art. 11(1)); S.I. 2007/2194, **art. 2(1)(l)(3)(h)** (with art. 12); S.I. 2007/3495, **arts. 3(3)(g), 5(3)(a)** (with arts. 7, 12); S.I. 2008/2860, **art. 3(s)** (with art. 8)
- C2** Sch. 4 applied (6.4.2008) by Companies Act 2006 (c. 46), **ss. 1257(4)**, 1300(2); S.I. 2007/3495, **art. 3(1)(u)** (with arts. 7, 12)
- C3** Sch. 4 applied (prosp.) by Health Act 2006 (c. 28), **ss. 77(4)(c)**, 83(4)-(8)
- C4** Sch. 4 applied (30.4.2007) by Smoking (Northern Ireland) Order 2006 (S.I. 2006/2957 (N.I. 20)), arts. 1(2), **13(8)(b)** (with art. 16); S.R. 2007/118, **art. 2**
- C5** Sch. 4 applied (6.4.2008) by Serious Crime Act 2007 (c. 27), **ss. 31(6)(b)(iii), 32(5)(b)(iii)**, 94(1); S.I. 2008/755, **art. 15(1)(f)**
- C6** Sch. 4 applied (15.12.2007) by Money Laundering Regulations 2007 (S.I. 2007/2157), **reg. 47(8)(c)**
- C7** Sch. 4 applied (15.12.2007) by Transfer of Funds (Information on the Payer) Regulations 2007 (S.I. 2007/3298), **reg. 16(8)(c)**
- C8** Sch. 4 applied (27.11.2008) by Counter-Terrorism Act 2008 (c. 28), ss. 62, 100(2), **Sch. 7 para. 37(2)(c)** (with s. 101(2), Sch. 7 para. 43)
- C9** Sch. 4 applied (prosp.) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), **ss. 47(2)(b)**, 118(1) (with s. 73)
- C10** Sch. 4 applied (1.5.2009) by Payment Services Regulations 2009 (S.I. 2009/209), regs. 1(2)(b)(xiii), **118(4)(c)**
- C11** Sch. 4 applied (E.W.S.) (9.3.2009) by Ozone-Depleting Substances (Qualifications) Regulations 2009 (S.I. 2009/216), **reg. 10(6)(b)(iii)**
- C12** Sch. 4 applied (9.3.2009) by Fluorinated Greenhouse Gases Regulations 2009 (S.I. 2009/261), regs. 1(1)(b), **52(6)(b)(iii)**
- C13** Sch. 4 applied (27.4.2009) by Organic Products Regulations 2009 (S.I. 2009/842), **reg. 28(4)(c)**
- C14** Sch. 4 applied (1.1.2010) by Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009 (S.I. 2009/3263), **reg. 12(2)(b)(iii)**
- C15** Sch. 4 applied (8.3.2010) by Mercury Export and Data (Enforcement) Regulations 2010 (S.I. 2010/265), regs. 2, **7(7)(b)(iii)**
- C16** Sch. 4 applied (31.3.2010) by Horse Passports Regulations (Northern Ireland) 2010 (S.R. 2010/40), **reg. 22(2)(b)**
- C17** Sch. 4 applied (6.4.2010) by Detergents Regulations 2010 (S.I. 2010/740), regs. 1(2), **24(2)(b)(iii)**
- C18** Sch. 4 applied (25.6.2010) by Marketing of Fresh Horticulture Produce Regulations (Northern Ireland) 2010 (S.R. 2010/198), **reg. 21(7)(b)**
- C19** Sch. 4 applied (17.9.2010 with application as mentioned in reg. 3 of the amending Regulations) by Marketing of Fruit Plant Material Regulations 2010 (S.I. 2010/2079), **reg. 22(4)**
- C20** Sch. 4 applied (1.7.2011) by Bribery Act 2010 (c. 23), **ss. 15(2)(b)(ii)**, 19(1) (with ss. 16, 19(5)); S.I. 2011/1418, **art. 2**

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- C21 Sch. 4 applied (with modifications) (30.12.2011) by Wine Regulations 2011 (S.I. 2011/2936), **reg. 16(2)(d)** (with **reg. 3(9)**)
- C22 Sch. 4 applied (30.6.2012) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), **ss. 47(2)(b)**, 118(1) (with s. 73); S.R. 2012/266, art. 2(b), Sch. Pt. 2
- C23 Sch. 4 applied (1.2.2007 for W. for specified purposes, 2.4.2007 for W. for specified purposes, 1.7.2007 for E. for specified purposes, 22.4.2008 for E.W.S. for specified purposes, 13.12.2008 for W. for specified purposes, 1.8.2012 for N.I. for specified purposes) by Health Act 2006 (c. 28), **ss. 77(4)(c)**, 83(4)(a), (6)(b), (7); S.I. 2007/204, arts. 2(c), 3(c); S.I. 2007/1375, art. 2(b); S.I. 2008/1147, art. 3(b)(c); S.I. 2008/3171, art. 2(b); S.R. 2012/307, art. 2(b)
- C24 Sch. 4 applied (3.3.2013) by The Timber and Timber Products (Placing on the Market) Regulations 2013 (S.I. 2013/233), regs. 1(2), **6(2)(b)(ii)**
- C25 Sch. 4 applied (31.8.2013) by The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations (Northern Ireland) 2013 (S.R. 2013/208), regs. 1, **49(4)** (with Sch. 1)
- C26 Sch. 4 applied (with modifications) (1.3.2014) by The Olive Oil (Marketing Standards) Regulations 2014 (S.I. 2014/195), regs. 1, **15(2)(d)**
- C27 Sch. 4 applied (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 10 para. 8(3)(b)**; S.I. 2014/251, art. 4
- C28 Sch. 4 applied by 1949 c. 88, s. 35A(4)(c) (as inserted (1.10.2014) by Intellectual Property Act 2014 (c. 18), **ss. 14**, 24(1); S.I. 2014/2330, art. 3, Sch.)
- C29 Sch. 4 applied (12.12.2014) by The Immigration Act 2014 (Bank Accounts) Regulations 2014 (S.I. 2014/3085), regs. 1, **23(4)(c)**
- C30 Sch. 4 applied (1.1.2015) by The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014 (S.I. 2014/3263), regs. 1(1), **26(2)(b)(ii)**
- C31 Sch. 4 applied (7.3.2015) by The Ozone-Depleting Substances Regulations 2015 (S.I. 2015/168), regs. 1(2)(3), **11(8)(b)(iii)** (with reg. 12(7))
- C32 Sch. 4 applied (19.3.2015) by The Fluorinated Greenhouse Gases Regulations 2015 (S.I. 2015/310), regs. 1(1)(b)(2), **30(6)(b)(iii)**
- C33 Sch. 4 applied (13.4.2015) by The Electricity and Gas (Market Integrity and Transparency) (Criminal Sanctions) Regulations 2015 (S.I. 2015/979), regs. 1, **8(2)(c)**
- C34 Sch. 4 applied (5.10.2015) by The Rural Development Programme Regulations (Northern Ireland) 2015 (S.R. 2015/326), regs. 1, **20(2)(b)**
- C35 Sch. 4 applied (12.10.2015) by The Nagoya Protocol (Compliance) Regulations 2015 (S.I. 2015/821), regs. 1(3), **15(2)(b)(ii)** (with regs. 1(5), 12)
- C36 Sch. 4 applied (with modifications) (16.11.2015) by The Single Common Market Organisation (Emergency Aid for Milk Producers) Regulations 2015 (S.I. 2015/1896), regs. 1(2), **13(2)(d)**
- C37 Sch. 4 applied (1.1.2016) by The Small and Medium Sized Business (Credit Information) Regulations 2015 (S.I. 2015/1945), regs. 1(2), **38(4)(c)**
- C38 Sch. 4 applied (1.1.2016) by The Small and Medium Sized Business (Finance Platforms) Regulations 2015 (S.I. 2015/1946), regs. 1(2), **35(4)(c)**
- C39 Sch. 4 applied (31.1.2016) by The Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015 (S.R. 2015/425), regs. 1(1), **27(5)(b)** (with reg. 29)
- C40 Sch. 4 applied (1.3.2016) by The Areas of Natural Constraint Regulations (Northern Ireland) 2016 (S.R. 2016/15), regs. 1, **17(2)(b)**
- C41 Sch. 4 applied (13.7.2016) by The Financial Services and Markets Act 2000 (Transparency of Securities Financing Transactions and of Reuse) Regulations 2016 (S.I. 2016/715), regs. 1(2), **27(4)(c)**
- C42 Sch. 4 applied (25.11.2016) by Immigration Act 2016 (c. 19), **ss. 30(3)(b)(iii)**, 94(1); S.I. 2016/1037, reg. 4(c)
- C43 Sch. 4 applied (25.11.2016) by Immigration Act 2016 (c. 19), **ss. 29(4)(b)(iii)**, 94(1); S.I. 2016/1037, reg. 4(c)
- C44 Sch. 4 applied (1.2.2017) by The Single Common Market Organisation (Exceptional Adjustment Aid) Regulations (Northern Ireland) 2017 (S.R. 2017/13), regs. 1(2), **15(2)(b)**

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- C45 Sch. 4 applied (1.3.2017) by The Areas of Natural Constraint Regulations (Northern Ireland) 2017 (S.R. 2017/8), regs. 1, **17(2)(b)**
- C46 Sch. 4 applied (30.9.2017 in so far as not already in operation, 27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), ss. **50(2)(b)(ii)**, 58(5)(6); S.I. 2017/739, reg. 3
- C47 Sch. 4 applied (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), regs. 1(2), **91(4)(b)** (with regs. 8, 15)
- C48 Sch. 4 applied (13.10.2017) by The Payment Services Regulations 2017 (S.I. 2017/752), regs. 1(3)(d), **146(4)(c)** (with reg. 3)
- C49 Sch. 4 applied (1.1.2018) by The Control of Mercury (Enforcement) Regulations 2017 (S.I. 2017/1200), regs. 2(1), **45(7)** (with reg. 1(2))

1. Where a corporation is charged, whether alone or jointly with some other person, with an indictable offence, a magistrates' court may, on the preliminary investigation or the preliminary inquiry of such offence and if it is satisfied that the evidence offered on the part of the prosecution is sufficient to put the accused corporation on trial, make an order empowering the prosecution to present to the Crown Court an indictment in respect of the offence named in the order or in respect of any offence founded on the same facts or evidence, and for the purpose of any enactments referring to the committal of persons for trial (including this Order) any such order shall be deemed to be a committal for trial.

2. If the corporation appears before a magistrates' court by a representative, any answers to the prescribed questions to be put, may be made on behalf of the corporation by that representative, but if the corporation does not so appear it shall not be necessary to put the questions, and the court may, notwithstanding, make an order under paragraph 1.

3. Subject to paragraph 4, where the preliminary investigation or the preliminary inquiry of the offence is conducted before a resident magistrate and the offence is an offence which in the case of an adult may with his consent be dealt with summarily, then, if the corporation does not appear before the resident magistrate by a representative or if he does so appear and consents by such representative that the offence should be so dealt with, the resident magistrate may deal with the offence summarily as if the corporation were an adult who had consented to summary trial.

4. Where any person is charged jointly with a corporation with an indictable offence which may be dealt with summarily and either that person or the corporation by its representatives does not consent that the offence should be dealt with summarily, the resident magistrate shall not have power to deal summarily with the offence in the case of the other party charged.

5. In this Schedule—

- (a) “representative” in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this Schedule authorised to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation for any purpose other than those referred to in this Schedule or section 18 (3) of the Criminal Justice Act (Northern Ireland) 1945;
- (b) “adult” has the same meaning as in Article 45(4).

6. A representative for the purposes of this Schedule need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this Schedule shall be admissible without further proof as prima facie evidence that that person has been so appointed.

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