

Status: Point in time view as at 01/04/2015.

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STATUTORY INSTRUMENTS

1988 No. 1846 (N.I. 16)

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

- - - - - 26th October 1988

Modifications etc. (not altering text)

- C1** Order: functions transferred from Secretary of State to Department of Justice (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 4(1)(2), [Sch. 1](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)

Title, commencement and transitional provision

1.—(1) This Order may be cited as the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988.

(2) This Article, and Articles 2 and 11, shall come into operation on the expiration of 21 days from the day on which the Order is made.

(3) The remaining provisions of this Order shall come into operation on such day or days as the Secretary of State may by order appoint^{F1}.

(4) An order under paragraph (3) may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with any provision thereby brought into operation.

F1 fully exercised by SR 1989/328

Interpretation

2. The Interpretation Act (Northern Ireland) 1954^{F2} shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

F2 [1954 c. 33 \(NI\)](#)

Transfer of serious fraud cases to Crown Court

Notices of transfer and designated authorities

3.—(1) If—

- (a) a person has been charged with an indictable offence; and

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- (b) in the opinion of an authority designated by paragraph (2) or of one of such an authority's officers acting on the authority's behalf the evidence of the offence charged—
- (i) would be sufficient for the person charged to be committed for trial; and
 - (ii) reveals a case of fraud of such ^{F3}seriousness or complexity] that it is appropriate that the management of the case should without delay be taken over by the Crown Court; and
- (c) before the magistrates' court in whose jurisdiction the offence has been committed—
- (i) has commenced hearing the evidence for the prosecution (other than a deposition relating to the arrest or to the remand of the accused), where the court is conducting a preliminary investigation, or
 - (ii) has begun to conduct a preliminary inquiry,
- the authority or one of the authority's officers acting on the authority's behalf gives the court a notice (in this Order referred to as a notice of transfer) certifying that opinion, the functions of the magistrates' court shall cease in relation to the case, except as provided by Article 4(3) and (6) of this Order and by ^{F4}any regulations under Article 26(3) of the Access to Justice (Northern Ireland) Order 2003] .
- (2) The authorities mentioned in paragraph (1) (in this Order referred to as designated authorities) are—
- (a) the Director of Public Prosecutions for Northern Ireland;
 - (b) the Director of the Serious Fraud Office;
 - (c) the Commissioners of Inland Revenue;
 - (d) the Commissioners of Customs and Excise; and
 - (e) the Secretary of State.
- (3) A designated authority's decision to give notice of transfer shall not be subject to appeal or liable to be questioned in any court.

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| <p>F3 Words in art. 3(1)(b)(ii) substituted (4.7.1996 with application as mentioned in Sch. 3 para. 8 of the amending Act) by Criminal Procedure and Investigations Act 1996 (c. 25), s. 72, Sch. 3 para. 2 (as modified in its application to Northern Ireland by Sch. 4 para. 35)</p> <p>F4 Words in art. 3(1) substituted (1.4.2015) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435), art. 49(1), Sch. 4 para. 9(2); S.R. 2015/194, art. 2, Sch. (with art. 3)</p> |
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Notices of transfer—procedure

4.—(1) A notice of transfer shall specify the proposed place of trial and in selecting that place the designated authority shall have regard to the considerations to which section 48(1) of the Judicature (Northern Ireland) Act 1978^{F5} requires a magistrates' court committing a person for trial to have regard when selecting the place at which he is to be tried.

(2) A notice of transfer shall specify the charge or charges to which it relates and include or be accompanied by such additional matter as regulations under paragraph (7) may require.

(3) 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;

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and where his release on bail is conditional on his providing one or more surety or sureties and the court fixes the amount in which the surety is to be bound with a view to his entering into his recognizance subsequently, the court shall in the meantime make an order such as is mentioned in sub#paragraph (a).

(4) Where 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.

(5) Where the requirement that a person, to whom the notice of transfer relates, shall appear before a magistrates' court ceases by virtue of paragraph (4), it shall be his duty 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^{F6}.

(6) If the notice states that the requirement to appear is to continue, when a person, to whom the notice of transfer relates, appears before the magistrates' court, the court shall have—

- (a) the powers and duty conferred on a magistrates' court by paragraph (3), but subject as there provided; and
- (b) power to enlarge, in the surety's absence, a recognizance conditioned in accordance with Article 47(1)(b) or 48 of the Magistrates' Courts (Northern Ireland) Order 1981^{F7} so that the surety is bound to secure that the person charged also appears before the Crown Court.

(7) The Attorney General—

- (a) shall by regulations make provision requiring the giving of a copy of a notice of transfer, together with [^{F8}copies of the documents containing the evidence (including oral evidence)] on which any charge to which it relates is based—
 - (i) to any person to whom the notice of transfer relates; and
 - (ii) to the Crown Court sitting at the place specified by the notice of transfer as the proposed place of trial; and
- (b) may by regulations make such further provision in relation to notices of transfer, including provision as to the duties of a designated authority in relation to such notices, as appears to him to be appropriate.

[^{F9}(7A) Regulations under paragraph (7)(a) may provide that there shall be no requirement for copies of documents to accompany the copy of the notice of transfer if they are referred to, in documents sent with the notice of transfer, as having already been supplied.]

(8) Regulations made under paragraph (6) shall be subject to[^{F10} negative resolution].

F5 1978 c. 23

F6 1978 c. 23

F7 1981 NI 26

F8 Words in art. 4(7)(a) substituted (4.7.1996 with application as mentioned in s. 45(8) of the amending Act) by [Criminal Procedure and Investigations Act 1996 \(c. 25\)](#), s. 45(2) (as modified in its application to Northern Ireland by Sch. 4 para. 18)

F9 [Art. 4\(7A\)](#) inserted (4.7.1996 with application as mentioned in s. 45(8) of the amending Act) by [Criminal Procedure and Investigations Act 1996 \(c. 25\)](#), s. 45(3) (as modified in its application to Northern Ireland by Sch. 4 para. 18)

F10 Words in art. 4(8) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 4(3), [Sch. 2 para. 11\(2\)](#) (with arts. 28-31); S.I. 2010/977, [art. 1\(2\)](#)

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Applications for dismissal

5.—(1) Where notice of transfer has been given, any person to whom the notice relates, at any time before he is arraigned (and whether or not an indictment has been presented against him), may apply orally or in writing to the Crown Court sitting 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 mentioned in Article 4(5), for the charge, or any of the charges, in the case to be dismissed; and the judge shall dismiss a charge (and accordingly quash a count relating to it in any indictment presented against the applicant) if it appears to him that the evidence against the applicant would not be sufficient for a jury properly to convict him.

(2) No oral application may be made under paragraph (1) unless the applicant has given the Crown Court sitting 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 mentioned in Article 4(5) written notice of his intention to make the application.

(3) Oral evidence may be given on such an application only with the leave of the judge or by his order, and the judge shall give leave or make an order only if it appears to him, having regard to any matters stated in the application for leave, that the interests of justice require him to do so.

(4) If the judge gives leave permitting, or makes an order requiring, a person to give oral evidence, but he does not do so, the judge may disregard any document indicating the evidence that he might have given.

(5) Dismissal of the charge, or all the charges, against the applicant shall have the same effect as a refusal by a magistrates' court to commit for trial, except that no further proceedings may be brought on a dismissed charge except by means of the presentment of an indictment such as is specified in paragraph (c), (d), (e) or (f) of section 2(2) of the Grand Jury (Abolition) Act (Northern Ireland) 1969^{F11}.

(6) Crown Court rules may make provision for the purposes of this Article and, without prejudice to the generality of this paragraph—

- (a) as to the time or stage in the proceedings at which anything required to be done is to be done (unless the court grants leave to do it at some other time or stage);
- (b) as to the contents and form of notices or other documents;
- (c) as to the manner in which evidence is to be submitted; and
- (d) as to persons to be served with notices or other material.

F11 1969 c. 15 (NI)

Preparatory hearings

Power to order preparatory hearing

6.—(1) Where it appears to a judge of the Crown Court that the evidence on an indictment reveals a case of fraud of such^{F12}seriousness or complexity] that substantial benefits are likely to accrue from a hearing (in this Order referred to as a preparatory hearing) before^{F13} the time when the jury are sworn], for the purpose of—

- ^{F14}(a) identifying issues which are likely to be material to the determinations and findings which are likely to be required during the trial;
- (b) if there is to be a jury, assisting their comprehension of those issues and expediting the proceedings before them;
- (c) determining an application to which section 45 of the Criminal Justice Act 2003 applies; or]

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(d) assisting the judge's management of the trial,
he may order that such a hearing shall be held.

(2) A judge may make an order under paragraph (1) on the application either of the prosecution or of the person indicted or, if the indictment charges a number of persons, any of them, or of his own motion.

[^{F15}(2A) The reference in paragraph (1) to the time when the jury are sworn includes the time when the jury would be sworn but for—

- (a) the making of an order under Part 7 of the Criminal Justice Act 2003, or
- (b) the application of section 75 of the Terrorism Act 2000.]

- (3) ^{F16}
- (4) ^{F16}
- (5) ^{F16}

- F12** Words in art. 6(1) substituted (4.7.1996 with application as mentioned in Sch. 3 para. 8 of the amending Act) by Criminal Procedure and Investigations Act 1996 (c. 25), s. 72, Sch. 3 para. 3(2) (as modified in its application to Northern Ireland by Sch. 4 para. 35)
- F13** Words in art. 6(1) substituted (8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336(3), Sch. 36 para. 57(2); S.I. 2006/3422, art. 2(b)(c)
- F14** Art. 6(1)(a)-(c) substituted (8.1.2007 for certain purposes, otherwise prosp.) by Criminal Justice Act 2003 (c. 44), ss. 45(4), 50(3), 336(3); S.I. 2006/3422, art. 2(a)
- F15** Art. 6(2A) inserted (8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336(3), Sch. 36 para. 57(3); S.I. 2006/3422, art. 2(b)(c)
- F16** Art. 6(3)-(5) repealed (4.7.1996 with application as mentioned in Sch. 3 para. 8 of the amending Act) by Criminal Procedure and Investigations Act 1996 (c. 25), ss. 72, 80, Sch. 3 para. 3(3), Sch. 5 (as modified in its application to Northern Ireland by Sch. 4 paras. 35, 36)

Commencement of trial and arraignment

- 7.—(1) If a judge orders a preparatory hearing, the trial shall begin with that hearing.
- (2) Arraignment shall accordingly take place at the start of the preparatory hearing.

The preparatory hearing

8.—(1) At the preparatory hearing the judge may exercise any of the powers specified in this Article.

- (2) The judge may adjourn a preparatory hearing from time to time.
- (3) He may determine—
 - (a) any question as to the admissibility of evidence; and
 - [^{F17}(aa) a question arising under Article 43 of the Criminal Justice (Northern Ireland) Order 1996 (relevance of external law to certain charges of conspiracy, attempt and incitement); and]
 - (b) any other question of law relating to the case.
- (4) He may order the prosecution—
 - (a) to supply the court and the defendant or, if there is more than one, each of them with a statement (a case statement) of the following—
 - (i) the principal facts of the prosecution case;
 - (ii) the witnesses who will speak to those facts;

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- (iii) any exhibits relevant to those facts;
 - (iv) any proposition of law on which the prosecution proposes to rely; and
 - (v) the consequences in relation to any of the counts in the indictment that appear to the prosecution to flow from the matters stated in pursuance of heads (i) to (iv);
- (b) to prepare their evidence and other explanatory material in such a form as appears to him to be likely to aid comprehension by^[F18] a jury] and to supply it in that form to the court and to the defendant or, if there is more than one, to each of them;
- (c) to give the court and the defendant or, if there is more than one, each of them notice of documents the truth of the contents of which ought in the prosecution's view to be admitted and of any other matters which in their view ought to be agreed;
- (d) to make any amendments of any case statement supplied in pursuance of an order under sub#paragraph (a) that appear to the court to be appropriate, having regard to objections made by the defendant or, if there is more than one, by any of them.
- (5) Where—
- (a) a judge has ordered the prosecution to supply a case statement; and
 - (b) the prosecution have complied with the order,
- he may order the defendant or, if there is more than one, each of them—
- Sub-para. (i) rep. by 2003 c. 44*
- (ii) to give the court and the prosecution notice of any objections that he has to the case statement;
- Sub-para. (iii) rep. by 2003 c. 44*
- (iv) to give the court and the prosecution a notice stating the extent to which he agrees with the prosecution as to documents and other matters to which a notice under paragraph (4) (c) relates and the reason for any disagreement.
- (6) Crown Court rules may provide that except to the extent that disclosure is required^[F19](a) by^[F20] section 5(7) of the Criminal Procedure and Investigations Act 1996]; or
- (b) by Article 80 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (expert evidence)]
- a summary required by virtue of paragraph (5) need not disclose who will give evidence.
- (7) A judge making an order under paragraph (5) shall warn the defendant or, if there is more than one, all of them of the possible consequence under Article 9^{F21}. . . of not complying with it.
- (8) If it appears to a judge that reasons given in pursuance of paragraph (5)(iv) are inadequate, he shall so inform the person giving them, and may require him to give further or better reasons.
- (9) An order under this Article may specify the time within which any specified requirement contained in it is to be complied with, but Crown Court rules may make provision as to the minimum or maximum time that may be specified for compliance.
- (10) An order or ruling made^[F22]under this Article] shall have e#ect during the trial, unless it appears to the judge, on application made to him during the trial, that the interests of justice require him to vary or discharge it.
- (11) An appeal shall lie to the Court of Appeal from any order or ruling of a judge under paragraph (3),^[F23] from the refusal by a judge of an application to which section 45 of the Criminal Justice Act 2003 applies or from an order of a judge under section 43 or 44 of that Act which is made on the determination of such an application,] but only with the leave of the judge or of the Court of Appeal.

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(12) The judge may continue a preparatory hearing notwithstanding that leave to appeal has been granted under paragraph (11), but^{F24} the preparatory hearing shall not be concluded] until after the appeal has been determined or abandoned.

(13) On the termination of the hearing of an appeal, the Court of Appeal may confirm, reverse or vary the decision appealed against.

F17 1996 NI 24

F18 Words in art. 8(4)(b) substituted (8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336(3), Sch. 36 para. 58(2); S.I. 2006/3422, art. 2(b)(c)

F19 1989 NI 12

F20 Words in art. 8(6)(a) substituted (4.7.1996 with application as mentioned in s. 74(5) of the amending Act) by Criminal Procedure and Investigations Act 1996 (c. 25), s. 74(4) (as modified in its application to Northern Ireland by Sch. 4 para. 31(3))

F21 Word in art. 8(7) repealed (4.7.1996 with application as mentioned in Sch. 3 para. 8 of the amending Act) by Criminal Procedure and Investigations Act 1996 (c. 25), ss. 72, 80, Sch. 3 para. 4(2), Sch. 5 (as modified in its application to Northern Ireland by Sch. 4 paras. 35, 36)

F22 Words in art. 8(10) substituted (4.7.1996 with application as mentioned in Sch. 3 para. 8 of the amending Act) by Criminal Procedure and Investigations Act 1996 (c. 25), s. 72, Sch. 3 para. 4(3) (as modified in its application to Northern Ireland by Sch. 4 para. 35)

F23 Words in art. 8(11) inserted (8.1.2007 for certain purposes, otherwise prosp.) by Criminal Justice Act 2003 (c. 44), ss. 45(5) (as modified in its application to Northern Ireland by s. 50(3)), 336(3); S.I. 2006/3422, art. 2(a)

F24 Words in art. 8(12) substituted (8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336(3), Sch. 36 para. 58(3); S.I. 2006/3422, art. 2(b)(c)

^{F25} Orders before preparatory hearing

8A.—(1) Paragraph (2) applies where—

- (a) a judge orders a preparatory hearing, and
- (b) he decides that any order which could be made under Article 8(4) or (5) at the hearing should be made before the hearing.

(2) In such a case—

- (a) he may make any such order before the hearing (or at the hearing), and
- (b) paragraphs (4) to (10) of Article 8 shall apply accordingly.]

F25 Art. 8A inserted (4.7.1996 with application as mentioned in Sch. 3 para. 8 of the amending Act) by Criminal Procedure and Investigations Act 1996 (c. 25), s. 72, Sch. 3 para. 5 (as modified in its application to Northern Ireland by Sch. 4 para. 35)

^{F26} Later stages of trial

^{F27}**9.**—(1) Any party may depart from the case he disclosed in pursuance of a requirement imposed under Article 8.

(2) Where—

- (a) a party departs from the case he disclosed in pursuance of a requirement imposed under Article 8, or
- (b) a party fails to comply with such a requirement,

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the judge or, with the leave of the judge, any other party may make such comment as appears to the judge or the other party (as the case may be) to be appropriate and the jury [^{F28}or, in the case of a trial without a jury, the judge] may draw such inference as appears proper.

(3) In [^{F29}doing anything under paragraph (2) or in deciding whether to do anything under it] the judge shall have regard—

- (a) to the extent of the departure or failure, and
- (b) to whether there is any justification for it.

(4) [^{F30}Except as provided by this Article, in the case of a trial with a jury] no part—

- (a) of a statement given under Article 8(5), or
- (b) of any other information relating to the case for the accused or, if there is more than one, the case for any of them, which was given in pursuance of a requirement imposed under Article 8,

may be disclosed at a stage in the trial after the jury have been sworn without the consent of the accused concerned.]

- F26** Art. 9 substituted (4.7.1996 with application as mentioned in Sch. 3 para. 8 of the amending Act) by Criminal Procedure and Investigations Act 1996 (c. 25), s. 72, Sch. 3 para. 6 (as modified in its application to Northern Ireland by Sch. 4 para. 35)
- F27** Art. 9 (as originally enacted) amended (8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336(3), Sch. 36 para. 59; S.I. 2006/3422, art. 2(b)(c)
- F28** Words in art. 9(2) (as substituted by Criminal Procedure and Investigations Act 1996 (c. 25), Sch. 3 para. 6) inserted (8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336(3), Sch. 36 para. 60(2); S.I. 2006/3422, art. 2(b)(c)
- F29** Words in art. 9(3) (as substituted by Criminal Procedure and Investigations Act 1996 (c. 25), Sch. 3 para. 6) substituted (8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336(3), Sch. 36 para. 60(3); S.I. 2006/3422, art. 2(b)(c)
- F30** Words in art. 9(4) (as substituted by Criminal Procedure and Investigations Act 1996 (c. 25), Sch. 3 para. 6) substituted (8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336(3), Sch. 36 para. 60(4); S.I. 2006/3422, art. 2(b)(c)

Reporting restrictions

[^{F31}Restrictions on reporting

10.—(1) Except as provided by this Article—

- (a) no written report of proceedings falling within paragraph (2) shall be published in Northern Ireland;
- (b) no report of proceedings falling within paragraph (2) shall be included in a relevant programme for reception in Northern Ireland.

(2) The following proceedings fall within this paragraph—

- (a) an application under Article 5(1);
- (b) a preparatory hearing;
- (c) an application for leave to appeal in relation to such a hearing;
- (d) an appeal in relation to such a hearing.

(3) The judge dealing with an application under Article 5(1) may order that paragraph (1) shall not apply, or shall not apply to a specified extent, to a report of the application.

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(4) The judge dealing with a preparatory hearing may order that paragraph (1) shall not apply, or shall not apply to a specified extent, to a report of—

- (a) the preparatory hearing, or
- (b) an application to the judge for leave to appeal to the Court of Appeal under Article 8(11) in relation to the preparatory hearing.

(5) The Court of Appeal may order that paragraph (1) shall not apply, or shall not apply to a specified extent, to a report of—

- (a) an appeal to the Court of Appeal under Article 8(11) in relation to a preparatory hearing,
- (b) an application to that Court for leave to appeal to it under Article 8(11) in relation to a preparatory hearing, or
- (c) an application to that Court for leave to appeal to the [F32Supreme Court] under Part II of the Criminal Appeal (Northern Ireland) Act 1980 in relation to a preparatory hearing.

(6) [F33The Supreme Court] may order that paragraph (1) shall not apply, or shall not apply to a specified extent, to a report of—

- (a) an appeal to [F33the Supreme Court] under Part II of the Criminal Appeal (Northern Ireland) Act 1980 in relation to a preparatory hearing, or
- (b) an application to [F33the Supreme Court] for leave to appeal to it under Part II of the Criminal Appeal (Northern Ireland) Act 1980 in relation to a preparatory hearing.

(7) Where there is only one accused and he objects to the making of an order under paragraph (3), (4), (5) or (6) the judge or the Court of Appeal or the [F34Supreme Court] shall make the order if (and only if) satisfied after hearing the representations of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.

(8) Where there are two or more accused and one or more of them objects to the making of an order under paragraph (3), (4), (5) or (6) the judge or the Court of Appeal or the [F35Supreme Court] shall make the order if (and only if) satisfied after hearing the representations of each of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.

(9) Paragraph (1) does not apply to—

- (a) the publication of a report of an application under Article 5(1), or
- (b) the inclusion in a relevant programme of a report of an application under Article 5(1),

where the application is successful.

(10) Where—

- (a) two or more persons are jointly charged, and
- (b) applications under Article 5(1) are made by more than one of them,

paragraph (9) shall have effect as if for the words “the application is” there were substituted “all the applications are”.

(11) Paragraph (1) does not apply to—

- (a) the publication of a report of an unsuccessful application made under Article 5(1),
- (b) the publication of a report of a preparatory hearing,
- (c) the publication of a report of an appeal in relation to a preparatory hearing or of an application for leave to appeal in relation to such a hearing,
- (d) the inclusion in a relevant programme of a report of an unsuccessful application made under Article 5(1),

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- (e) the inclusion in a relevant programme of a report of a preparatory hearing, or
- (f) the inclusion in a relevant programme of a report of an appeal in relation to a preparatory hearing or of an application for leave to appeal in relation to such a hearing,

at the conclusion of the trial of the accused or of the last of the accused to be tried.

(12) Paragraph (1) does not apply to a report which contains only one or more of the following matters—

- (a) the identity of the court and the name of the judge;
- (b) the names, ages, home addresses and occupations of the accused and witnesses;
- (c) any relevant business information;
- (d) the offence or offences, or a summary of them, with which the accused is or are charged;
- (e) the names of counsel and solicitors in the proceedings;
- (f) where the proceedings are adjourned, the date and place to which they are adjourned;
- (g) any arrangements as to bail;
- ^{F36}(h) whether a right to representation funded by the Department of Justice was granted to the accused or any of the accused under the Access to Justice (Northern Ireland) Order 2003.]

(13) The addresses that may be published or included in a relevant programme under paragraph (12) are addresses—

- (a) at any relevant time, and
- (b) at the time of their publication or inclusion in a relevant programme;

and “relevant time” here means a time when events giving rise to the charges to which the proceedings relate occurred.

(14) The following is relevant business information for the purposes of paragraph (12)—

- (a) any address used by the accused for carrying on a business on his own account;
- (b) the name of any business which he was carrying on on his own account at any relevant time;
- (c) the name of any firm in which he was a partner at any relevant time or by which he was engaged at any such time;
- (d) the address of any such firm;
- (e) the name of any company of which he was a director at any relevant time or by which he was otherwise engaged at any such time;
- (f) the address of the registered or principal office of any such company;
- (g) any working address of the accused in his capacity as a person engaged by any such company;

and here “engaged” means engaged under a contract of service or a contract for services, and “relevant time” has the same meaning as in paragraph (13).

(15) Nothing in this Article affects any prohibition or restriction imposed by virtue of any other enactment on a publication or on matter included in a programme.

(16) In this Article—

- (a) “publish”, in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;
- (b) expressions cognate with “publish” shall be construed accordingly;
- (c) “relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990.]

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- F31** Arts. 10, 10A substituted (4.7.1996 with application as mentioned in [Sch. 3 para. 8](#) of the amending Act) for art. 10 by [Criminal Procedure and Investigations Act 1996 \(c. 25\), s. 72, Sch. 3 para. 7](#) (as modified in its application to Northern Ireland by Sch. 4 para. 35)
- F32** Words in art. 10(5)(c) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 51\(a\); S.I. 2009/1604, art. 2\(a\)\(d\)](#)
- F33** Words in art. 10(6) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 51\(b\); S.I. 2009/1604, art. 2\(a\)\(d\)](#)
- F34** Words in art. 10(7) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 51\(c\); S.I. 2009/1604, art. 2\(a\)\(d\)](#)
- F35** Words in art. 10(8) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 51\(c\); S.I. 2009/1604, art. 2\(a\)\(d\)](#)
- F36** By [Access to Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435\), art. 49\(1\), Sch. 4 para. 9\(3\)](#) (as amended (18.11.2014) by [Legal Aid and Coroners' Courts Act \(Northern Ireland\) 2014 \(c. 11\), Sch. 2 para 6\(43\)\(a\)\(vi\); S.R. 2015/194, art. 2, Sch.](#) (with [art. 3](#)) it is provided that "In Article 10(9) (restrictions on reporting), substitute sub-paragraph (h)" (1.4.2015)

[^{F37} Offences in connection with reporting

10A.—(1) If a report is published or included in a relevant programme in contravention of Article 10 each of the following persons is guilty of an offence—

- (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
- (b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;
- (c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.

(2) A person guilty of an offence under this Article is liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

(3) Proceedings for an offence under this Article shall not be instituted otherwise than by or with the consent of the Attorney General for Northern Ireland.

(4) Paragraph (16) of Article 10 applies for the purposes of this Article as it applies for the purposes of that.]

- F37** Arts. 10, 10A substituted (4.7.1996 with application as mentioned in [Sch. 3 para. 8](#) of the amending Act) for art. 10 by [Criminal Procedure and Investigations Act 1996 \(c. 25\), s. 72, Sch. 3 para. 7](#) (as modified in its application to Northern Ireland by Sch. 4 para. 35)

Conspiracy to defraud

Charges of and penalty for conspiracy to defraud

11.—(1) If—

- (a) a person agrees with any other person or persons that a course of conduct shall be pursued; and
- (b) that course of conduct will necessarily amount to or involve the commission of any offence or offences by one or more of the parties to the agreement if the agreement is carried out in accordance with their intentions,

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the fact that it will do so shall not preclude a charge of conspiracy to defraud being brought against any of them in respect of the agreement.

(2) In Article 13(2) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983^{F38}, the words from and to the end are hereby revoked.

(3) A person guilty of conspiracy to defraud is liable on conviction on indictment to imprisonment for a term not exceeding 10 years or a fine or both.

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Supplementary

Article 12—Amendments

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Schedule — Amendments

Status:

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Changes to legislation:

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