

1989 No. 467

CRIMINAL PROCEDURE**The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (Notice of Transfer) (Amendment) Regulations 1989**

Made 29th November 1989

Coming into operation 1st February 1990

To be laid before Parliament

The Attorney-General, in exercise of the powers conferred on him by Article 4(7) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(a), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Criminal Justice (Northern Ireland) Order 1988 (Notice of Transfer) (Amendment) Regulations 1989 and shall come into operation on 1st February 1990.

Notice to defendant

2. In the Schedule to the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (Notice of Transfer) Regulations 1989(b) there shall be substituted for Form 2 the Form set out in the Schedule.

29th November 1989

P. B. B. Mayhew.
Her Majesty's Attorney-General

(a) S.I. 1988/1846 (N.I. 16)
(b) S.R. 1989 No. 338

SCHEDULE

regulation 2

FORM 2

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

THE QUEEN

v.

NOTICE TO PERSON TO WHOM A NOTICE OF TRANSFER RELATES

To _____ of _____

1. Under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 I have given to _____ Magistrates' Court a notice of transfer in relation to the charges specified in the notice, a copy of which is attached. Accordingly, the case is transferred to the Crown Court. The proposed place of trial is the Crown Court sitting at _____

2. The Crown Court may give directions altering the place of trial. If you are dissatisfied with the proposed place of trial stated in the notice of transfer, or the place of trial as substituted by a direction of the Crown Court, you may apply to the Crown Court to vary the place of trial.

3. On the _____ day of _____ 19 _____ Magistrates' Court remanded you in custody to appear on the _____ day of _____ 19 _____. [The Court later granted you bail subject to certain conditions which you failed to meet, and accordingly you have remained in custody to appear on that day.] Under Article 4(3) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 the magistrates' court has power—

- (a) to order that you shall be safely kept in custody until delivered in due course of law, or
- (b) to release you on bail, that is to say, by directing you to appear before the Crown Court for trial.

The magistrates' court may exercise those powers without your being brought before the court if—

- (a) you have given your written consent, and
- (b) the court is satisfied that, when you gave your consent, you knew that the notice of transfer had been issued.

You may give your consent by signing the attached form of consent and passing it to the prison governor for him to send it to the magistrates' court by the _____ day of _____ 19 _____. (the date of your next appearance).

or

3. On the _____ day of _____ 19 _____ Magistrates' Court remanded you on bail to appear on the _____ day of _____ 19 _____. That requirement has ceased and in accordance with Article 4(5) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 it is your duty to appear before the Crown Court sitting at _____, or at such other place as may be notified to you, on a date to be notified to you.

or

3. On the _____ day of _____ 19 _____ Magistrates' Court remanded you on bail to appear on the _____ day of _____ 19 _____. You are required to so appear notwithstanding the giving of the notice of transfer.

4. The indictment against you may include, either in substitution for or in addition to any court charging an offence specified in the notice of transfer, any counts founded on evidence set out in the material that accompanies this notice, being counts which may lawfully be joined in the same indictment.

5. I enclose—

- (a) a list of the witnesses whom the Crown proposes to call to give oral evidence at your trial; and
- (b) a list of the witnesses whose attendance at your trial the Crown considers unnecessary on the ground that their evidence is unlikely to be required or unlikely to be disputed.

together with in each case copies of the statements or other documents outlining the evidence of those witnesses.

6. I also enclose a list of the exhibits in your case together with copies of those exhibits which are in documentary form.

7. At any time before you are arraigned at the Crown Court you may apply orally or in writing to the Crown Court for the charge/any of the charges to be dismissed on the ground that the evidence which has been disclosed is not sufficient for a jury properly to convict you of it. If you wish to apply for the charge/any of the charges to be dismissed, you should make a written application not later than 28 days after the day on which the notice of transfer was given or give notice within the same period of your intention to do so orally, in accordance with the requirements of the Crown Court (Serious Fraud) Rules (Northern Ireland) 1989(a). These periods may be extended on application to the Crown Court.

8. At your trial you may not be permitted to adduce evidence of an alibi unless you give notice of particulars of the alibi in accordance with section 1 of the Evidence of Alibi Act (Northern Ireland) 1972(b). Such notice should be given to me within 7 days of the giving of the notice of transfer.

Dated this day of 19 .

Name

Title

(a) S.R. 1989 No. 294

(b) 1972 c. 6 (N.I.)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (Notice of Transfer) Regulations 1989. They correct drafting errors in the Schedule to those regulations.

1989 No. 468

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.