

*Status: Point in time view as at 22/08/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Backing of Warrants (Republic of Ireland) Act 1965 (repealed). (See end of Document for details)*

## SCHEDULE

Section 2.

### SUPPLEMENTARY PROVISIONS AS TO PROCEEDINGS UNDER SECTION 2

#### *Proceedings in England or Wales*

- 1 Paragraphs 2 to 4 of this Schedule shall apply to proceedings in England or Wales under section 2 of this Act.
- 2 The court shall consist of at least two justices and shall sit in open court in a petty-sessional court-house or an occasional court-house:  
  
Provided that [<sup>F1</sup>section 16(1) of the Justices of the Peace Act 1979 (which exempts stipendiary magistrates from certain restrictions imposed by [<sup>F2</sup>the Magistrates' Courts Act 1980])]shall apply as if the foregoing provisions of this paragraph were contained in [<sup>F2</sup>;the Magistrates' Courts Act 1980].

#### Textual Amendments

- F1** Words substituted by [Justices of the Peace Act 1979 \(c. 55, SIF 82\), s. 71, Sch. 2 para. 13](#)
- F2** Words substituted by virtue of the [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), s. 154, Sch. 7 para. 55](#)

VALID FROM 19/06/1997

- [<sup>F3</sup>2A Section 15 of the Justices of the Peace Act 1997 (which exempts stipendiary magistrates from certain restrictions imposed by the Magistrates' Courts Act 1980) shall apply as if paragraph 2 of this Schedule were contained in the Magistrates' Courts Act 1980.]

#### Textual Amendments

- F3** Proviso to s. 2 substituted (19.6.1997) and numbered as s. 2A by [1997 c. 25, ss. 73\(2\), 74\(1\), Sch. 5 para.9.](#)

- 3 Subject to paragraph 2 of this Schedule, the court shall have the like powers, including power to adjourn the case and meanwhile to remand the person arrested under the warrant either in custody or on bail, and the proceedings shall be conducted as nearly as may be in the like manner, as if the court were acting as examining justices inquiring into an indictable offence alleged to have been committed by that person.
- 4 Without prejudice to the generality of paragraph 3 of this Schedule, [<sup>F4</sup>[<sup>F5</sup>section 1 of the <sup>M1</sup>Costs in Criminal Cases Act 1973 (award of costs by examining justices

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out of central funds)]][<sup>F4</sup>sections 16(1) and 17(1) of <sup>M2</sup>the Prosecution of Offences Act 1985] and [<sup>F6</sup>section 28 of the <sup>M3</sup>Legal Aid Act 1974] shall apply in relation to the proceedings as if the person arrested under the warrant were charged with an indictable offence on the prosecution of the constable on whose application the warrant was endorsed and, where the court discharges that person, as if it had determined not to commit for trial.

#### Textual Amendments

- F4** Words “sections 16(1) and 17(1) of the Prosecution of Offences Act 1985” substituted (*prosp.*) for words “section 1” to “central funds)” by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 170(1), 171, **Sch. 15 para. 16**
- F5** Words substituted by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), **Sch. 1 para. 3**
- F6** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\)](#), **s. 38(1)**

#### Marginal Citations

- M1** [1973 c. 14](#).
- M2** [1985 c.23 \(39:1\)](#).
- M3** [1974 c. 4](#).

### *Proceedings in Scotland*

- 5 Paragraph 6 of this Schedule shall apply to proceedings in Scotland under section 2 of this Act.
- 6 The court shall have the like powers, including power to adjourn the case and meanwhile to remand the person arrested under the warrant either in custody or on bail, and the proceedings shall be conducted as nearly as may be in the like manner, as if the proceedings were summary proceedings in respect of an offence alleged to have been committed by that person; and the provisions of the [<sup>F7M4</sup>Legal Aid (Scotland) Act 1967] as respects such proceedings or any appellate proceedings following thereon shall apply accordingly to that person.

#### Textual Amendments

- F7** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\)](#), **s. 38(1)**

#### Marginal Citations

- M4** [1967 c. 43](#).

### *Proceedings in Northern Ireland*

- 7 Paragraphs 8 to 10 of this Schedule shall apply to proceedings in Northern Ireland under section 2 of this Act.

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- 8 The court shall consist of a resident magistrate sitting, in or out of petty sessions, in open court.
- 9 Subject to paragraph 8 of this Schedule, the court shall have the like powers, including power to adjourn the case and meanwhile to remand the person arrested under the warrant either in custody or on bail, and the proceedings shall be conducted as nearly as may be in the like manner, as if the court were conducting the preliminary investigation of an indictable offence alleged to have been committed by that person.
- 10 Without prejudice to the generality of paragraph 9 of this Schedule, [<sup>F8</sup>Article 28 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981] shall apply in relation to the proceedings as if the person arrested under the warrant were charged with an indictable offence on the prosecution of the constable on whose application the warrant was endorsed.

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**Textual Amendments**

**F8** Words substituted by S.I. 1981/228 (N.I. 8), art. 42(1), **Sch. 3**

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