



# Northern Ireland (Emergency Provisions) Act 1991 (repealed 25.8.1996)

## 1991 CHAPTER 24

### PART I

#### SCHEDULED OFFENCES

#### *Court and mode of trial*

#### **9 Court for trial of scheduled offences.**

(1) A trial on indictment of a scheduled offence shall be held only at the Crown Court sitting in Belfast, unless the Lord Chancellor after consultation with the Lord Chief Justice of Northern Ireland directs in any particular case that such a trial shall be held at the Crown Court sitting elsewhere.

(2) A person committed for trial for a scheduled offence, or for two or more offences at least one of which is a scheduled offence, shall be committed—

- (a) to the Crown Court sitting in Belfast, or
- (b) where the Lord Chancellor has given a direction under subsection (1) above with respect to the trial, to the Crown Court sitting at the place specified in the direction;

and section 48 of the <sup>M1</sup>Judicature (Northern Ireland) Act 1978 (committal for trial on indictment) shall have effect accordingly.

(3) Where—

- (a) in accordance with subsection (2) above any person is committed for trial to the Crown Court sitting in Belfast, and
- (b) a direction is subsequently given by the Lord Chancellor under subsection (1) above altering the place of trial,

that person shall be treated as having been committed for trial to the Crown Court sitting at the place specified in the direction.

*Status: Point in time view as at 27/08/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1991 (repealed 25.8.1996), Cross Heading: Court and mode of trial. (See end of Document for details)*

#### Marginal Citations

**M1** 1978 c. 23.

### 10 Mode of trial on indictment of scheduled offences.

- (1) A trial on indictment of a scheduled offence shall be conducted by the court without a jury.
- (2) The court trying a scheduled offence on indictment under this section shall have all the powers, authorities and jurisdiction which the court would have had if it had been sitting with a jury, including power to determine any question and to make any finding which would, apart from this section, be required to be determined or made by a jury, and references in any enactment to a jury or the verdict or finding of a jury shall be construed accordingly in relation to a trial under this section.
- (3) Where separate counts of an indictment allege a scheduled offence and an offence which is not a scheduled offence, the trial on indictment shall, without prejudice to section 5 of the <sup>M2</sup>Indictments Act (Northern Ireland) 1945 (orders for amendment of indictment, separate trial and postponement of trial), be conducted as if all the offences alleged in the indictment were scheduled offences.
- (4) Without prejudice to subsection (2) above, where the court trying a scheduled offence on indictment—
  - (a) is not satisfied that the accused is guilty of that offence, but
  - (b) is satisfied that he is guilty of some other offence which is not a scheduled offence, but of which a jury could have found him guilty on a trial for the scheduled offence,
 the court may convict him of that other offence.
- (5) Where the court trying a scheduled offence convicts the accused of that or some other offence, then, without prejudice to its power apart from this subsection to give a judgment, it shall, at the time of conviction or as soon as practicable thereafter, give a judgment stating the reasons for the conviction.
- (6) A person convicted of any offence on a trial under this section without a jury may, notwithstanding anything in sections 1 and 10(1) of the <sup>M3</sup>Criminal Appeal (Northern Ireland) Act 1980, appeal to the Court of Appeal under Part I of that Act—
  - (a) against his conviction, on any ground, without the leave of the Court of Appeal or a certificate of the judge of the court of trial; and
  - (b) against sentence passed on conviction, without that leave, unless the sentence is one fixed by law.
- (7) Where a person is so convicted, the time for giving notice of appeal under subsection (1) of section 16 of that Act of 1980 shall run from the date of judgment if later than the date from which it would run under that subsection.

#### Marginal Citations

**M2** 1945 c. 16 (N.I.).

**M3** 1980 c. 47.

**Status:**

Point in time view as at 27/08/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1991 (repealed 25.8.1996), Cross Heading: Court and mode of trial.