



# Terrorism Act 2000

## 2000 CHAPTER 11

### PART VII

#### NORTHERN IRELAND

##### *Scheduled offences*

#### **75 Mode of trial on indictment.**

- (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).
- (3) A reference in an enactment to a jury, the verdict of a jury or the finding of a jury shall, in relation to a trial under this section, be construed as a reference to the court, the verdict of the court or the finding of the court.
- (4) Where separate counts of an indictment allege a scheduled offence and a non-scheduled offence, the trial on indictment shall be conducted as if all the offences alleged in the indictment were scheduled offences.
- (5) Subsection (4) is without prejudice to section 5 of the <sup>M1</sup>Indictments Act (Northern Ireland) 1945 (orders for amendment of indictment, separate trial and postponement of trial).
- (6) Without prejudice to subsection (2), where the court trying a scheduled offence on indictment—
  - (a) is not satisfied that the accused is guilty of the offence, but
  - (b) is satisfied that he is guilty of a non-scheduled offence of which a jury could have found him guilty on a trial for the scheduled offence,the court may convict him of the non-scheduled offence.

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*Status: Point in time view as at 19/02/2001.*

*Changes to legislation: Terrorism Act 2000, Section 75 is up to date with all changes known to be in force on or before 08 July 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)*

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- (7) Where the court trying a scheduled offence convicts the accused of that or some other offence, it shall give a judgment stating the reasons for the conviction at or as soon as is reasonably practicable after the time of conviction.
- (8) A person convicted of an offence on a trial under this section without a jury may, notwithstanding anything in sections 1 and 10(1) of the <sup>M2</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;
  - (b) against sentence passed on conviction, without that leave, unless the sentence is fixed by law.
- (9) Where a person is convicted of an offence on a trial under this section, the time for giving notice of appeal under section 16(1) of that Act shall run from the date of judgment if later than the date from which it would run under that subsection.

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**Marginal Citations**

**M1** 1945 c. 16(N.I.).

**M2** 1980 c. 47.

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