



# Justice (Northern Ireland) Act 2002

## 2002 CHAPTER 26

### PART 2

#### LAW OFFICERS AND PUBLIC PROSECUTION SERVICE

##### *Public Prosecution Service*

### **33 Consents to prosecutions**

- (1) This section has effect in relation to every provision requiring the giving of consent by the Director (whether or not as an alternative to the consent of any other person) to the institution or conduct of criminal proceedings (“a consent provision”).
- (2) A consent provision is deemed to be complied with if the consent is produced to the court—
  - (a) in the case of an indictable offence, at any time before the indictment is presented, or
  - (b) in the case of an offence to be tried summarily, at any time before the plea of the accused person is taken.
- (3) For the purposes of a consent provision it is sufficient—
  - (a) to describe the offence to which the consent relates in general terms,
  - (b) to describe in ordinary language any property or place to which reference is made in the consent so as to identify with reasonable clarity that property or place in relation to the offence, and
  - (c) to describe the accused person or any other person to whom reference is made in the consent in terms which are reasonably sufficient to enable him to be identified in relation to the offence, without necessarily stating his correct name, or his address or occupation.
- (4) A consent required by a consent provision may be amended at any time before the arraignment of the accused person, or before his plea is taken.

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*Status: This is the original version (as it was originally enacted).*

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- (5) And if at any subsequent stage of a trial it appears to the court that the consent is defective, the court may afford the person giving the consent the opportunity of making such amendments as the court may think necessary if the court is satisfied that such amendments can be made without injustice to the accused person.
- (6) Any document purporting—
- (a) to be the consent of the Director or the Deputy Director to the institution or conduct of criminal proceedings, or criminal proceedings in any particular form, and
  - (b) to be signed by the Director or Deputy Director,
- is admissible as prima facie evidence without further proof.