



# Justice and Security (Northern Ireland) Act 2007

## 2007 CHAPTER 6

### *Trials on indictment without a jury*

#### **1 Issue of certificate**

- (1) This section applies in relation to a person charged with one or more indictable offences (“the defendant”).
- (2) The Director of Public Prosecutions for Northern Ireland may issue a certificate that any trial on indictment of the defendant (and of any person committed for trial with the defendant) is to be conducted without a jury if—
  - (a) he suspects that any of the following conditions is met, and
  - (b) he is satisfied that in view of this there is a risk that the administration of justice might be impaired if the trial were to be conducted with a jury.
- (3) Condition 1 is that the defendant is, or is an associate (see subsection (9)) of, a person who—
  - (a) is a member of a proscribed organisation (see subsection (10)), or
  - (b) has at any time been a member of an organisation that was, at that time, a proscribed organisation.
- (4) Condition 2 is that—
  - (a) the offence or any of the offences was committed on behalf of a proscribed organisation, or
  - (b) a proscribed organisation was otherwise involved with, or assisted in, the carrying out of the offence or any of the offences.
- (5) Condition 3 is that an attempt has been made to prejudice the investigation or prosecution of the offence or any of the offences and—
  - (a) the attempt was made on behalf of a proscribed organisation, or
  - (b) a proscribed organisation was otherwise involved with, or assisted in, the attempt.

- (6) Condition 4 is that the offence or any of the offences was committed to any extent (whether directly or indirectly) as a result of, in connection with or in response to religious or political hostility of one person or group of persons towards another person or group of persons.
- (7) In subsection (6) “religious or political hostility” means hostility based to any extent on—
- (a) religious belief or political opinion,
  - (b) supposed religious belief or political opinion, or
  - (c) the absence or supposed absence of any, or any particular, religious belief or political opinion.
- (8) In subsection (6) the references to persons and groups of persons need not include a reference to the defendant or to any victim of the offence or offences.
- (9) For the purposes of this section a person (A) is the associate of another person (B) if—
- (a) A is the spouse or a former spouse of B,
  - (b) A is the civil partner or a former civil partner of B,
  - (c) A and B (whether of different sexes or the same sex) live as partners, or have lived as partners, in an enduring family relationship,
  - (d) A is a friend of B, or
  - (e) A is a relative of B.
- (10) For the purposes of this section an organisation is a proscribed organisation, in relation to any time, if at that time—
- (a) it is (or was) proscribed (within the meaning given by section 11(4) of the Terrorism Act 2000 (c. 11)), and
  - (b) its activities are (or were) connected with the affairs of Northern Ireland.