

## SCHEDULES

### SCHEDULE 2

Article 6(1)

#### Amendments

##### *Costs in Criminal Cases Act (Northern Ireland) 1968 (c. 10 (N.I.))*

1. In section 3(2A) (costs of defence where notice of transfer is given but person is not subsequently tried) after “1988” insert “(serious and complex fraud) or under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995 (certain cases involving children)”.

##### *Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))*

2. In section 57(3) (false evidence by child) for “as aforesaid” substitute “unsworn in any proceedings for an offence by virtue of Article 3 of the Children’s Evidence (Northern Ireland) Order 1995 (competence of children as witnesses)”.

3. In section 58 (evidence of children in committal proceedings)—

(a) paragraph (3)(a) shall cease to have effect;

(b) at the end of subsection (5) insert—

“;and

“child” has the same meaning as in Article 4 of the Children’s Evidence (Northern Ireland) Order 1995 (certain cases involving children)”.

4. In section 180(1) (interpretation) in the definition of “child” after “and sections” where it first occurs insert “58”.

##### *Grand Jury (Abolition) Act (Northern Ireland) 1969 (c. 15 (N.I.))*

5. In section 2 (procedures for indictment of offenders)—

(a) after subsection (2)(aa) insert—

“(ab) the offence is specified in a notice of transfer under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995 (certain cases involving children); or”;

(b) in subsection (5A)—

(i) after “subsection (2)(aa)” insert “or (ab)”; and

(ii) for “regulations under Article 4(7) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988” substitute “regulations under the relevant provision”;

(c) after subsection (5A) insert—

“(5B) In subsection (5A) “the relevant provision” means Article 4(7) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 in a case to which subsection (2)(aa) applies, and paragraph 3 of Schedule 1 to the Children’s Evidence (Northern Ireland) Order 1995 in a case to which subsection (2)(ab) applies.”.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

*Evidence of Alibi Act (Northern Ireland) 1972 (c. 6 (N.I.))*

6. In section 1(1)(aa) (notice of alibi) after “1988” insert “(serious and complex fraud) or under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995 (certain cases involving children)”.

*Judicature (Northern Ireland) Act 1978 (c. 23)*

7. In section 48 (alteration by Crown Court of place of trial)—

- (a) in subsection (2), after “1988” insert “or under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995”;
- (b) in subsection (3), after “1988” insert “or under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995”;
- (c) in paragraphs (a) and (b) subsection (5), after “1988” in each place insert “or under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995”.

8. In section 51(4)(a) (power of Crown Court to grant bail to any person committed in custody for appearance before the Crown Court) after “1988” insert “(serious and complex fraud) or under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995 (certain cases involving children)”.

*Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8)*

9. In Article 29 (free legal aid in the Crown Court)—

- (a) in paragraph (1) after “1988” insert “(serious and complex fraud) or under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995 (certain cases involving children).”;
- (b) after paragraph (2)(d) insert—
  - “or
  - (e) where a notice of transfer is given under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995, by the magistrates' court before which the person to whom the notice relates is brought or by the Crown Court sitting at the place specified by the notice as the proposed place of trial or at any place substituted for it by a direction mentioned in paragraph 2(4) of Schedule 1 to that Order.”.

*Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (NI 17)*

10. In Article 5 (principles to be followed by court in certain proceedings), in paragraph (1)(a) after head (ii) insert—

- “(iii) on the hearing of an application under paragraph 4 of Schedule 1 to the Children’s Evidence (Northern Ireland) Order 1995 (application for dismissal of charges in certain cases involving children transferred from magistrates' court to Crown Court); or”.

11. In Article 13 (abolition of requirement of corroboration for unsworn evidence of children)—

- (a) paragraph (1) shall cease to have effect;
- (b) in paragraph (3) for “section 57 of the Children and Young Persons Act (Northern Ireland) 1968” substitute “Article 3 of the Children’s Evidence (Northern Ireland) Order 1995 (competence of children as witnesses)”.

*Criminal Evidence (Northern Ireland) Order 1988 (NI 20)*

12. In Article 3(2)(b) (circumstances in which inferences may be drawn from accused’s failure to mention particular facts when questioned, charged, etc.)—

- (a) after “under” insert “(i)”;  
(b) at the end for “and” substitute—

“or

- (ii) paragraph 4 of Schedule 1 to the Children’s Evidence (Northern Ireland) Order 1995 (application for dismissal of charge of violent or sexual offence involving child in respect of which notice of transfer has been given under Article 4 of that Order); and”.

13. In Article 5(2)(aa) (inferences from failure or refusal to account for objects, marks, etc.)—

- (a) after “under” insert “(i)”;  
(b) at the end for “and” substitute—

“or

- (ii) paragraph 4 of Schedule 1 to the Children’s Evidence (Northern Ireland) Order 1995 (application for dismissal of charge of violent or sexual offence involving child in respect of which notice of transfer has been given under Article 4 of that Order); and”.

14. In Article 6(2)(aa) (inferences from failure or refusal to account for presence at a particular place)—

- (a) after “under” insert “(i)”;  
(b) at the end for “and” substitute—

“or

- (ii) paragraph 4 of Schedule 1 to the Children’s Evidence (Northern Ireland) Order 1995 (application for dismissal of charge of violent or sexual offence involving child in respect of which notice of transfer has been given under Article 4 of that Order); and”.

*Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)*

15. In Article 62(10) (power of court to draw inferences from failure of accused to consent to provide intimate sample), after paragraph (a) insert—

- “(aa) a judge, in deciding whether to grant an application made by the accused under paragraph 4 of Schedule 1 to the Children’s Evidence (Northern Ireland) Order 1995 (application for dismissal of charge of violent or sexual offence involving child in respect of which notice of transfer has been given under Article 4 of that Order); and”.