



# Criminal Jurisdiction Act 1975

## 1975 CHAPTER 59

An Act to create extra-territorial offences under the law of Northern Ireland, to amend as respects those and other offences the criminal law of Northern Ireland, to provide for obtaining evidence in Northern Ireland for the trial of offences in the Republic of Ireland and to amend the Backing of Warrants (Republic of Ireland) Act 1965, the Explosive Substances Act 1883 and the law about the prosecution of offences. [7th August 1975]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Extra-territorial Offences*

#### **1 Criminal liability for offences in the Republic of Ireland**

- (1) Any act or omission which—
  - (a) takes place in the Republic of Ireland, and
  - (b) would, if taking place in Northern Ireland, constitute an offence described in Part I of Schedule 1 to this Act,shall, for the purposes of the law of Northern Ireland, constitute that offence.
- (2) The law applied by subsection (1) above shall be construed in accordance with Part II of the said Schedule 1.
- (3) In this Act " extra-territorial offence " means—
  - (a) any offence under subsection (1) above (read with Schedule 1),
  - (b) any offence in the Republic of Ireland under section 2 of this Act,
  - (c) any offence under section 3 of this Act,
  - (d) any offence defined as an extra-territorial offence by section 6(3) of this Act.
- (4) Liability for an extra-territorial offence (as defined by subsection (3) above) attaches irrespective of the nationality of the offender, and notwithstanding the provisions of

section 3 of the British Nationality Act 1948 (limitation of criminal liability of certain persons who are not citizens of the United Kingdom and Colonies).

- (5) Proceedings for an extra-territorial offence may be taken, and the offence may for the purposes of those proceedings be treated as having been committed, in any place in Northern Ireland.

## **2 Hijacking of vehicles or ships**

- (1) A person who in Northern Ireland or in the Republic of Ireland unlawfully, by force or threat thereof, or by any other form of intimidation—

- (a) seizes or exercises control of or otherwise interferes with the control of any vehicle (whether mechanically propelled or not) or any ship or hovercraft, or
- (b) compels or induces some other person to use a vehicle, ship or hovercraft for an unlawful purpose,

shall be liable on conviction on indictment to imprisonment for a term not exceeding fifteen years.

- (2) In this section—

" ship " includes any boat or other vessel;

" vehicle " includes a railway train or any other railway vehicle.

## **3 Escape or rescue from detention in Republic of Ireland**

- (1) A person who under the law of the Republic of Ireland is charged with, or convicted of—

- (a) an extra-territorial offence under the law of the Republic of Ireland, or
- (b) an act or omission which is also an offence triable under the law of Northern Ireland as an extra-territorial offence,

shall be guilty of an offence if he escapes from any legal custody in which he is held in the Republic of Ireland at any stage in the proceedings beginning with the charge (including the hearing of any appeal), or in which he is held while serving a sentence imposed on his conviction.

- (2) A person shall be guilty of an offence if he escapes from legal custody in which he is held in the Republic of Ireland pursuant to any provision of the law of the Republic of Ireland corresponding to paragraph 4 of Schedule 4 to this Act (right of accused to attend examination of a witness out of court).

- (3) A person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term not exceeding seven years.

- (4) In this section and in the following provisions of this Act " extra-territorial offence under the law of the Republic of Ireland " means any offence under the law of the Republic of Ireland which—

- (a) is committed in Northern Ireland and which is, under the law of Northern Ireland, an offence described in Part I of Schedule 1 to this Act, or
- (b) is committed in Northern Ireland and is an offence under an enactment of the Republic of Ireland corresponding to section 2 of this Act, or to subsection (1) or (2) of this section, or
- (c) is aiding, abetting, counselling, procuring or inciting the commission of an offence under paragraph (a) or (b) above, or

- (d) is attempting or conspiring to commit an offence under paragraph (a) or (b) above, or
  - (e) is doing any act with intent to impede the arrest or prosecution of a person who has committed an offence under any of the preceding paragraphs of this subsection, being an offence which if committed in Northern Ireland would be an arrestable offence.
- (5) For the purposes of subsection (4)(a) above paragraph 10 of Schedule 1 to this Act shall be read without sub-paragraph (2) (which restricts the offences there described to those where it is charged that an explosive, firearm, imitation firearm or weapon was used to commit the offence).

#### **4 Trial of extra-territorial offences**

- (1) At the end of Schedule 4 to the Northern Ireland (Emergency Provisions) Act 1973 (scheduled offences to which Part I of the Act applies) there shall be inserted—

### **“PART III**

#### **EXTRA-TERRITORIAL OFFENCES**

- 14 Any extra-territorial offence as defined in section 1 of the Criminal Jurisdiction Act 1975”,  
and the said Act shall have effect subject to the further amendments in Schedule 2 to this Act.
- (2) An extra-territorial offence shall not be tried summarily.
- (3) Where a person is charged with an extra-territorial offence so much of section 1(1) of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968 as affords to the accused a right to object to a preliminary enquiry shall not apply, and the procedure shall be by way of preliminary enquiry under the said section 1, and not by way of preliminary investigation under the Magistrates' Courts Act (Northern Ireland) 1964.
- (4) The further provisions concerning extra-territorial offences which are contained in Schedule 3 to this Act shall have effect.

#### **5 Evidence for trial of extra-territorial offences**

- (1) Schedule 4 to this Act, which deals with the examination of witnesses out of court for the purpose of assisting courts in the Republic of Ireland, and in Northern Ireland, in dealing with extraterritorial offences under the law of those countries, shall have effect.
- (2) A court (in Northern Ireland) before which proceedings in connection with an extra-territorial offence are being heard may direct that the name and address of any person whose evidence, whether oral or in writing, is tendered to the court shall not be disclosed to any person other than—
- (a) the members of the court and its officers,
  - (b) the parties to the proceedings and their counsel and solicitors, and
  - (c) where the court considers it required in the interests of justice, any other person whom the court specifies in the direction, or in any subsequent direction.

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- (3) A person who contravenes a direction under subsection (2) above shall be liable on summary conviction to a fine not exceeding £200, or to imprisonment for a term not exceeding six months, or to both.

## 6 Inchoate offences

- (1) In this section "substantive offence" means—
- (a) any offence described in Schedule 1 to this Act (wherever committed),
  - (b) any offence under section 2 or section 3 of this Act.
- (2) The following, that is—
- (a) aiding, abetting, counselling, procuring or inciting the commission of a substantive offence;
  - (b) attempting or conspiring to commit a substantive offence;
  - (c) an offence under section 4 of the Criminal Law Act (Northern Ireland) 1967 of doing any act with intent to impede the arrest or prosecution of a person who has committed a substantive offence, or who has committed an arrestable offence under the preceding provisions of this subsection,
- shall constitute offences under the law of Northern Ireland whether committed in Northern Ireland or in the Republic of Ireland.
- (3) In this Act "extra-territorial offence" shall include any offence within subsection (2) above if that offence takes place in the Republic of Ireland, or if the related substantive offence takes place, or would have taken place, in the Republic of Ireland.

### *Particular offences*

## 7 Amendment of Explosive Substances Act 1883

- (1) For sections 2 and 3 of the Explosive Substances Act 1883 there shall be substituted the following sections—

### **“2 Causing explosion likely to endanger life or property.**

A person who in the United Kingdom or (being a citizen of the United Kingdom and Colonies) in the Republic of Ireland unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be guilty of an offence and on conviction on indictment shall be liable to imprisonment for life.

### **3 Attempt to cause explosion, or making or keeping explosive with intent to endanger life or property.**

- (1) A person who in the United Kingdom or a dependency or (being a citizen of the United Kingdom and Colonies) elsewhere unlawfully and maliciously—
- (a) does any act with intent to cause, or conspires to cause, by an explosive substance an explosion of a nature likely to endanger life, or cause serious injury to property, whether in the United Kingdom or the Republic of Ireland, or

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(b) makes or has in his possession or under his control an explosive substance with intent by means thereof to endanger life, or cause serious injury to property, whether in the United Kingdom or the Republic of Ireland, or to enable any other person so to do,

shall, whether any explosion does or does not take place, and whether any injury to person or property is actually caused or not, be guilty of an offence and on conviction on indictment shall be liable to imprisonment for a term not exceeding twenty years, and the explosive substance shall be forfeited.

(2) In this section "dependency" means the Channel Islands, the Isle of Man and any colony, other than a colony for whose external relations a country other than the United Kingdom is responsible."

(2) In the Schedule to the Irish Free State (Consequential Adaptation of Enactments) Order 1923 the entry for the Explosive Substances Act 1883, which is superseded by this section, shall cease to have effect.

(3) This section extends to all parts of the United Kingdom.

## **8 Amendment of Firearms Act (Northern Ireland) 1969**

(1) The penalty for an offence under section 19A of the Firearms Act (Northern Ireland) 1969 (possessing firearms or ammunition in suspicious circumstances) shall be amended in accordance with this section.

(2) In the third column of the entry in Schedule 2 to the said Act, as amended by section 1 of the Firearms (Amendment) Act (Northern Ireland) 1971, relating to section 19A for the words—

“(b) Indictment	Five years or a fine of £500 or both”.
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there shall be substituted—

“(b) Indictment	Five years or a fine or both”.
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### *Evidence in criminal proceedings*

## **9 Admissibility of written statements made in the Republic of Ireland**

(1) Section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 and section 3 of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968 (use of written statements as evidence in preliminary proceedings and in trial) shall apply to written statements made in the Republic of Ireland as well as to written statements made in Northern Ireland.

(2) For sections 1A and 1B of the Perjury Act (Northern Ireland) 1946 there shall be substituted the following section—

### **“1A False written statements tendered in evidence.**

(1) If any person in a written statement tendered in evidence in criminal proceedings by virtue of—

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- (a) section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968, or
- (b) section 3 of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968,

wilfully makes a statement material in those proceedings which he knows to be false, or does not believe to be true, he shall be guilty of an offence.

- (2) If any person in a written statement made in Northern Ireland and tendered in evidence in the Republic of Ireland in any criminal proceedings wilfully makes a statement material in those proceedings which he knows to be false, or does not believe to be true, he shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or to both.
- (4) This section is without prejudice to section 1, and subsection (1) of this section applies whether the written statement is made in Northern Ireland or in the Republic of Ireland.”

- (3) Section 1(10) of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 and section 10 of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968, which amended the Perjury Act (Northern Ireland) 1946 and which are superseded by subsection (2) above, shall cease to have effect.

## **10 Evidence on committal for trial**

If in proceedings under the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968 it appears to the court that a witness is in the Republic of Ireland, and that it is not reasonably practicable to secure his attendance, section 4(2) of that Act (right of the parties to require attendance of witness) shall not apply to that witness.

### *Prosecutions*

## **11 Prosecution of extra-territorial offences**

- (1) No proceedings shall be instituted for an extra-territorial offence except by or with the consent of the Attorney General for Northern Ireland.
- (2) Article 7 of the Prosecution of Offences (Northern Ireland) Order 1972 shall apply in relation to any extra-territorial offence as if subsection (1) above were a consent provision within the meaning of that Article.

## **12 Consents to prosecutions, etc.**

- (1) This section applies to any enactment which prohibits the initiation or carrying on of proceedings for any offence except—
  - (a) with the consent (however expressed) of a Law Officer of the Crown, or of the Director of Public Prosecutions, or
  - (b) where the proceedings are initiated or carried on by or on behalf of a Law Officer of the Crown, or the Director of Public Prosecutions,

and so applies whether or not there are other exceptions to the prohibition (and in particular whether or not the consent is an alternative to the consent of any other authority or person).

- (2) An enactment to which this section applies—
- (a) shall not prevent the arrest without warrant, or the issue or execution of a warrant for the arrest, of a person for any offence, or the remand in custody or on bail of a person charged with any offence, and
  - (b) shall be subject to any enactment concerning the apprehension or detention of children or young persons.
- (3) In this section—
- " Law Officer of the Crown " means the Attorney General or the Attorney General for Northern Ireland, the Solicitor General and, in Scotland, the Lord Advocate,
  - " Director of Public Prosecutions " includes the Director of Public Prosecutions for Northern Ireland,
  - " consent " includes sanction, fiat, direction or order,
  - " enactment " includes any provision having effect under or by virtue of an Act of the Parliament of the United Kingdom or the Parliament of Northern Ireland,
- and this section applies to enactments passed or made before the passing of this Act, or later.
- (4) This section extends to all parts of the United Kingdom.

### *Supplemental*

## **13 Interpretation and saving**

- (1) In this Act, unless the context otherwise requires—
- " arrestable offence " has the meaning given by section 2(1) of the Criminal Law Act (Northern Ireland) 1967 ;
  - " enactment " includes an enactment of the Parliament of Northern Ireland;
  - " extra-territorial offence " has the meaning given by section 1 of this Act;
  - " extra-territorial offence under the law of the Republic of Ireland " has the meaning given by section 3(4) of this Act;
  - " rules of court " means rules under section 7 of the Northern Ireland Act 1962.
- (2) Any reference in this Act, except so far as the context otherwise requires, to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act
- (3) It is hereby declared that in applying section 38(1) of the Interpretation Act 1889 (effect of repeal and re-enactment) for the construction of references in this Act to other Acts account is to be taken of repeal and re-enactment—
- (a) by a Measure under the Northern Ireland Constitution Act 1973, or
  - (b) by an Order in Council under the Northern Ireland Act 1974,

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(as being provisions which by virtue of paragraph 1 of Schedule 5 to the said Act of 1973 and paragraph 1(7) of Schedule 1 to the Act of 1974 are included in statutory references to Acts of the Parliament of Northern Ireland).

- (4) The provisions of this Act giving power to prohibit the disclosure of the name and other particulars of witnesses and other persons are without prejudice to any power of the same kind exercisable under the inherent jurisdiction of any court or judge.

#### **14 Short title, etc.**

- (1) This Act may be cited as the Criminal Jurisdiction Act 1975.
- (2) The following provisions of this Act, that is to say—
- (a) sections 12 and 13,
  - (b) this section, except so far as subsection (5) below relates to Parts III and IV of Schedule 6, and
  - (c) Schedule 5 and Parts I and II of Schedule 6,
- shall come into force on the passing of this Act.
- (3) Subject to subsection (2) above, this Act shall come into force on such date as the Secretary of State may by order appoint, and different dates may be so appointed for different provisions or for different purposes.
- An order made under this subsection may be revoked by a subsequent order so made, and any order made under this subsection shall be contained in a statutory instrument.
- (4) Schedule 5 to this Act, which makes amendments consequential on section 12 of this Act, shall have effect.
- (5) The enactments and instruments specified in Schedule 6 to this Act shall be repealed to the extent specified in the third column of that Schedule.
- (6) The following provisions of this Act, that is to say—
- (a) sections 1 to 3, section 4(1) to (3), sections 5 and 6 and sections 8 to 11, and
  - (b) Schedules 1 and 2, paragraphs 2 to 5 of Schedule 3, Schedule 4 and Parts II and III of Schedule 6,
- shall extend to Northern Ireland only.



## SCHEDULES

### SCHEDULE 1

Section 1.

#### OFFENCES IN REPUBLIC OF IRELAND TRIABLE IN NORTHERN IRELAND

#### PART I

##### *Common law offences*

- 1 Murder.
- 2 Manslaughter.
- 3 The common law offence of arson.
- 4 Kidnapping.
- 5 False imprisonment.

##### *Malicious damage*

- 6 An offence under any of the following provisions of the Malicious Damage Act 1861—
  - (i) section 1 (setting fire to church, etc.) ;
  - (ii) section 2 (setting fire to a dwelling house while a person is inside);
  - (iii) section 3 (setting fire to house, outhouse or business or farming premises with intent to injure or defraud any person) ;
  - (iv) section 4 (setting fire to railway station, etc.) ;
  - (v) section 5 (setting fire to any public building);
  - (vi) section 6 (setting fire to other buildings);
  - (vii) section 7 (setting fire to goods in certain buildings);
  - (viii) section 35 (interference with railway).

##### *Offences against the person*

- 7 An offence under any of the following provisions of the Offences against the Person Act 1861—
  - (i) section 18 (wounding with intent to cause grievous bodily harm);
  - (ii) section 20 (causing grievous bodily harm).

##### *Explosive substances*

- 8 An offence under any of the following provisions of the Explosive Substances Act 1883—
  - (i) section 2 (causing explosion likely to endanger life or damage property);

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- (ii) section 3 (attempting to cause any such explosion, and making or possessing explosive with intent to endanger life or damage property);
- (iii) section 4 (making or possessing explosive in suspicious circumstances).

*Note.* The said sections 2 and 3 are amended by section 7 of this Act.

#### *Firearms*

- 9 An offence under any of the following provisions of the Firearms Act (Northern Ireland) 1969—
- (i) section 14 (possessing firearms or ammunition with intent to endanger life or cause serious damage to property);
  - (ii) section 15(1) (use of firearm to resist arrest) ;
  - (iii) section 15(2) (possessing firearm when committing or arrested for specified offences) where the specified offence is one under section 148 of the Road Traffic Act (Northern Ireland) 1970 (taking and driving away a motor vehicle) ;
  - (iv) section 16 (carrying firearm or imitation firearm with intent to commit indictable offence or prevent arrest of self or another);
  - (v) section 19A (possessing firearms or ammunition in suspicious circumstances).

#### *Aggravated theft*

- 10 (1) An offence under any of the following provisions of the Theft Act (Northern Ireland) 1969—
- (i) section 8 (robbery) ;
  - (ii) section 10 (aggravated burglary).
- (2) Robbery and aggravated burglary are included in this Schedule only where it is charged that an explosive, firearm, imitation firearm or weapon of offence was used to commit the offence ; and expressions defined in the said section 10 have the same meaning when used in this sub-paragraph.

#### *Hijacking*

- 11 An offence under section 1 of the Hijacking Act 1971 (hijacking aircraft).

### **PART II**

- 12 (1) The provisions of the law of Northern Ireland which are referred to in Part I of this Schedule, as applied by this Act to acts or omissions in the Republic of Ireland, shall be read with any necessary modifications, and in particular as if references to what is lawful or unlawful included what is lawful or unlawful under the law of the Republic of Ireland.
- (2) In applying section 19A of the Firearms Act (Northern Ireland) 1969 (possession of firearms or ammunition in suspicious circumstances) to acts or omissions in the Republic of Ireland, the absence of the licence or other authority requisite under the law of the Republic of Ireland relating to firearms, or a breach of a condition attached to the licence or other authority, is a circumstance which may give rise to a reasonable suspicion that possession is not for a lawful object.

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The provisions of this sub-paragraph are without prejudice to the generality of sub-paragraph (1) above.

- (3) The reference in section 1(3) of this Act to an offence under subsection (1) includes all offences to which subsection (1) applies whether or not the act or omission in the Republic of Ireland is, under the Explosive Substances Act 1883 or any other enactment, an offence under the law of Northern Ireland apart from the provisions of the said subsection (1).

## SCHEDULE 2

Section 4(1).

### AMENDMENTS OF NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1973

- 1 (1) Schedule 4 to the Northern Ireland (Emergency Provisions) Act 1973 (offences to which Part I of the Act relates) shall be amended as follows.

- (2) After paragraph 4 there shall be inserted—

“4A Kidnapping.

4B False imprisonment.”

- (3) In paragraph 5 (malicious damage) after sub-paragraph (n) there shall be inserted—  
“(o) section 35 (interference with railway)”.

- (4) After paragraph 11 there shall be inserted—

#### *“Hijacking*

11A Offences under section 1 of the Hijacking Act 1971.

11B Offences in Northern Ireland under section 2 of the Criminal Jurisdiction Act 1975”.

- 2 (1) Part III of the said Schedule 4 (added by section 4 of this Act) and, so far as they relate to offences which become scheduled offences by virtue of the said Part III, sections 2, 3 and 4 of the Northern Ireland (Emergency Provisions) Act 1973, shall be permanent provisions which do not expire or cease to be in force under section 30 of that Act.

- (2) If the indictment was presented before the coming into force of paragraph 1 of this Schedule, sections 2, 4, 5, 6 and 7 of the said Act of 1973 shall not apply to the trial of the indictment.

- (3) If an offence becomes a scheduled offence on the date of the coming into force of paragraph 1 of this Schedule, and the indictment has not been presented then on that date—

(a) any committal for trial of the offence by a court of assize other than the Belfast City Commission shall be treated as a committal to that Commission, and

(b) any committal for trial of the offence by a county court other than the Belfast Recorder's Court shall be treated as a committal to the Belfast Recorder's Court.

- 3 (1) Section 27 of the said Act of 1973 shall be amended as follows.

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- (2) In subsection (1) after the words " Part I" there shall be inserted " or Part III ", and for " that Part " there shall be substituted " Part I " . '
- (3) For subsection (3) of the said section 27 there shall be substituted—
- “(3) The Secretary of State may by order amend Part I and Part II of Schedule 4 to this Act (whether by adding an offence to, or removing an offence from, either of those Parts, or otherwise).”

### SCHEDULE 3

Section 4(4).

#### EXTRA-TERRITORIAL OFFENCES

##### *Exclusion of Backing of Warrants (Republic of Ireland) Act 1965*

- 1 At the end of section 2(2) of the Backing of Warrants (Republic of Ireland) Act 1965 (cases where warrant from Republic of Ireland is not to be executed) there shall be inserted the following words—

“or

- (c) that the warrant is for the arrest of a person accused of an offence committed in Northern Ireland which constitutes an extra-territorial offence under the law of the Republic of Ireland as defined in section 3 of the Criminal Jurisdiction Act 1975 ; or
- (d) that the person named or described in the warrant has been acquitted or convicted in a trial in Northern Ireland for an extra-territorial offence as defined in section 1 of the said Act of 1975 in respect of the same act or omission as that in respect of which the warrant is issued.”

This paragraph extends to all parts of the United Kingdom, to the Channel Islands and to the Isle of Man.

##### *Right of accused to opt for trial in Republic of Ireland*

- 2 (1) If a person is accused of an extra-territorial offence, and a judge of the High Court, or the court of trial, is satisfied that a warrant has been duly issued in the Republic of Ireland on an information laid by a member of the police force (Garda Síochána) in the Republic of Ireland for his arrest for the corresponding offence in respect of the same act or omission, the judge or court shall, if the accused so requests, issue an order directing—
- (a) that the accused be delivered as soon as may be at some convenient point of departure from Northern Ireland into the custody of a member of the said police force in the Republic of Ireland, and
  - (b) that he be kept in custody in Northern Ireland until so delivered.
- (2) If the accused is serving a sentence imposed for any other offence, the order under this paragraph shall not take effect until service of the sentence is completed.
- (3) An order may be made under this paragraph at any time before entry of the plea of the accused on arraignment on the indictment for the extra-territorial offence.

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*Safeguards for persons brought to Northern Ireland under warrant of arrest*

- 3 (1) If a person is accused of an extra-territorial offence, and a judge of the High Court, or the court of trial, is satisfied that—
- (a) he was brought to Northern Ireland pursuant to a warrant of arrest which was endorsed in the Republic of Ireland under the law of that country corresponding to the Backing of Warrants (Republic of Ireland) Act 1965 and which does not specify the extra-territorial offence ; and
  - (b) he has not, since being so brought, been at liberty for a continuous period of seven days or more ; and
  - (c) he is not a person as respects whom an order under paragraph 2 above has been made, or would be made if the accused so requests,
- the court or judge shall, if the accused so requests, issue an order that proceedings for the trial of the extra-territorial offence shall be suspended.
- (2) For the period from the date of making of the order until such time as the accused has been at liberty for a period of seven continuous days the accused shall be immune from arrest or detention, and from any other proceeding whatsoever, relating to the extraterritorial offence, or any other extra-territorial offence committed prior to his surrender (not being an offence specified in the warrant).
- For the purposes of this sub-paragraph a person shall not be treated as being at liberty at any time when he is on bail.
- (3) An order may be made under this paragraph at any time before entry of the plea of the accused on arraignment on the indictment for the extra-territorial offence.

*Rights of accused under paragraphs 2 and 3 above*

- 4 (1) When a person charged with an extra-territorial offence appears before the court of trial, the court shall, so far as appropriate, inform him of his rights under paragraphs 2 and 3 above.
- (2) The circumstances under which, and the procedure by which, a person so charged may apply under paragraph 2 or paragraph 3 above to a judge of the High Court, instead of applying to the court of trial, shall be such as may be prescribed by rules of court.

*Safeguards for persons previously tried in Republic of Ireland*

- 5 It is hereby declared that a person duly tried for an offence under the law of the Republic of Ireland which is also an extraterritorial offence is entitled to plead his acquittal or conviction in the trial in the Republic of Ireland as a bar in any proceedings in Northern Ireland for the extra-territorial offence.

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## SCHEDULE 4

Section 5(1).

### EXAMINATION OF WITNESSES OUT OF COURT

#### PART I

##### EXAMINATION IN NORTHERN IRELAND TO ASSIST COURT IN REPUBLIC OF IRELAND

- 1 This Part of this Schedule applies where under the law of the Republic of Ireland corresponding to Part II of this Schedule a court issues a letter of request to the Lord Chief Justice of Northern Ireland for the taking of evidence in Northern Ireland from a witness specified in the letter of request for the purposes of the trial in the Republic of Ireland of an extra-territorial offence under the law of the Republic of Ireland, or the hearing of an appeal arising out of the trial of such an offence.
- 2 (1) The evidence shall be taken on oath by a judge of the High Court designated by the Lord Chief Justice of Northern Ireland.
- (2) The judge so designated (hereafter referred to as " the Commissioner ") shall sit in private except at such times and on such occasions as he otherwise directs.
- (3) If the witness—
- (a) on being duly summoned as a witness before the Commissioner makes default in attending, or
  - (b) being in attendance as a witness refuses to take an oath legally required by the Commissioner to be taken, or to produce any document or thing in his power or control legally required by the Commissioner to be produced by him, or to answer any question to which the Commissioner may legally require an answer, or
  - (c) does any other thing which would, if the Commissioner had been a court of law having power to commit for contempt, have been contempt of that court,
- the witness shall be liable on summary conviction to a fine not exceeding £200, or to imprisonment for a term not exceeding six months, or to both.
- (4) The witness shall be entitled to the same immunities and privileges as if he were a witness in a trial on indictment for an offence under the law of Northern Ireland, and questions as to the exclusion of any evidence, or the withholding of any document or thing on the ground of public interest, shall be determined in accordance with the law of Northern Ireland.

##### *Attendance of members of court*

- 3 (1) Any judge of the court which issued the letter of request shall be entitled to attend the examination of the witness, and shall have a right to suggest to the Commissioner questions to be put to the witness.
- (2) The Commissioner shall arrange his sittings so as to facilitate the attendance of any such judge and, subject to paragraph 2(4) above, shall put to the witness any questions suggested to him under this paragraph.

##### *Attendance of accused*

- 4 (1) The accused shall have—

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- (a) a right to attend the examination of the witness, and
  - (b) a right to be represented by counsel or a solicitor in the proceedings (whether or not the accused is present), and
  - (c) a right, if not represented by counsel or solicitor, to question the witness, and to make submissions or representations to the Commissioner.
- (2) So long as the accused is in Northern Ireland pursuant to this Part of this Schedule—
- (a) he shall be kept in custody, and
  - (b) while duly kept in custody, he shall be immune from arrest or detention, and from any other proceeding whatsoever, related to any criminal or civil matter which arose prior to his arrival in Northern Ireland in custody pursuant to the provisions of the law of the Republic of Ireland corresponding to paragraph 5(4) below.
- (3) If the accused has exercised his right to attend the examination of the witness, he shall, unless the Commissioner otherwise directs, remain in Northern Ireland until the examination is completed.
- (4) Either the prosecutor or the accused may apply to the Commissioner for a direction under sub-paragraph (3) above.
- (5) At the conclusion of the proceedings, and on any occasion when a direction is given under sub-paragraph (3) above, the Commissioner shall direct that the accused be delivered (at some convenient point of departure from Northern Ireland) into the custody of a member of the police force (Garda Síochána) in the Republic of Ireland.

## **PART II**

### **EXAMINATION IN REPUBLIC OF IRELAND TO ASSIST COURT IN NORTHERN IRELAND**

- 5 (1) For the purposes of—
- (a) the trial in Northern Ireland of an extra-territorial offence, or
  - (b) the hearing of an appeal under the Criminal Appeal (Northern Ireland) Act 1968 concerning an extra-territorial offence,
- the court of trial, or as the case may be the court entertaining the appeal, may issue a letter of request for the taking of evidence by a judge of the High Court in the Republic of Ireland from a witness specified in the letter of request.
- The letter of request shall be addressed to the Chief Justice.
- (2) If the prosecutor or the accused applies to the court of trial for the issue of a letter of request under this paragraph, the court shall comply with the application unless satisfied that it is not in the interests of justice.
- (3) Where the court issues a letter of request, the court shall inform the accused that he has, in accordance with the law of the Republic of Ireland corresponding to paragraph 4(1) of this Schedule, a right to attend the examination of the witness in the Republic of Ireland and the other rights specified in the said paragraph 4(1).
- (4) If the accused exercises his right to attend the examination of the witness, the court shall issue an order directing—

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- (a) that the accused be delivered (at some convenient point of departure from Northern Ireland) into the custody of a member of the police force (Garda Síochána) in the Republic of Ireland, and
  - (b) that he be kept in custody in Northern Ireland until so delivered.
- (5) If the accused is serving a sentence imposed for any other offence, the order of the court shall be carried out notwithstanding the sentence, and the time spent by the accused as directed by the court shall count towards service of the sentence.
- (6) Where, under an enactment of the law of the Republic of Ireland corresponding to paragraph 4(3) of this Schedule, a Commissioner in the Republic of Ireland authorises the accused to return temporarily to Northern Ireland, the court shall issue any further order required under sub-paragraph (4) above in order to deal with the accused when he is again to go to the Republic of Ireland.

*Admissibility of statement of evidence*

- 6 (1) A statement of evidence of a witness taken in compliance with the letter of request shall, subject to sub-paragraph (2) below, be admissible in the proceedings for which the letter of request was issued as evidence of any fact stated therein of which evidence by the witness would be admissible if given in the course of those proceedings.
- (2) The statement shall be so admissible if—
- (a) all the members of the court were present throughout the taking of the evidence, and
  - (b) the statement was certified by the judge of the High Court in the Republic of Ireland who took it to be a true and accurate statement of the evidence so taken.
- (3) A document purporting to be such a certificate and to be signed by the said judge shall be deemed to be such a certificate and to be so signed unless the contrary is shown.

**PART III**

SUPPLEMENTAL

*Protection of witnesses*

- 7 (1) In proceedings under Part I of this Schedule the Commissioner may direct that the name and address of any person specified in the letter of request shall not be disclosed to any person other than—
- (a) the Commissioner and the Commissioner's officers,
  - (b) the parties to the proceedings and their counsel and solicitors,
  - (c) any judge of the court in the Republic of Ireland issuing the letter of request, and any officers designated by the court, and
  - (d) where the Commissioner considers it to be in the interests of justice, any other person whom the Commissioner specifies in the direction, or any subsequent direction.



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- (2) In proceedings under paragraph 5(1) of this Schedule the court may direct that the name and address of any witness as respects whom a letter of request is sought, or of any witness in the proceedings, shall not be disclosed to any person other than—
- (a) the court and the officers of the court,
  - (b) the parties to the proceedings and their counsel and solicitors, and
  - (c) where the court considers it to be in the interests of justice, any other person whom the court specifies in the direction, or any subsequent direction.
- (3) A person contravening a direction under this paragraph shall be liable on summary conviction to a fine not exceeding £200, or to imprisonment for a term not exceeding six months, or to both.

#### *Procedure*

- 8 (1) Subject to the preceding provisions of this Schedule, the procedure in Northern Ireland pursuant to, or as respects, letters of request received from, or transmitted to, the Republic of Ireland may be prescribed by rules of court.
- (2) The rules of court may apply, or make provision comparable to, the procedure in civil proceedings for letters of request received from, or transmitted to, the Republic of Ireland or any other country, with or without any modifications or exceptions.
- (3) In the application of this Schedule to letters of request issued, in the Republic of Ireland or in Northern Ireland, in connection with an appeal, references to the accused shall be taken as references to the appellant.

### SCHEDULE 5

Section 14(4).

#### CONSENT TO PROSECUTIONS

##### *Consequential amendments*

- 1 In section 1(2) of the Public Order Act 1936 for the words from " except such " to " person charged " there shall be substituted the words " except such as are authorised by section 12 of the Criminal Jurisdiction Act 1975 ".
- 2 (1) At the end of section 30 of the Theft Act 1968 (husband and wife) there shall be added the following subsection—
- “(5) Notwithstanding section 12 of the Criminal Jurisdiction Act 1975 subsection (4) of this section shall apply—
- (a) to an arrest (if without warrant) made by the wife or husband, and
  - (b) to a warrant of arrest issued on an information laid by the wife or husband.”
- (2) Proviso (b) to the said section 30(4), which is superseded by the said section 12, shall cease to have effect.
- 3 In section 6(2) of the Public Order (Amendment) Act (Northern Ireland) 1970 for the words from " except such " to " person charged " there shall be substituted the words " except such as are authorised by section 12 of the Criminal Jurisdiction Act 1975. "

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## SCHEDULE 6

Section 14(5).

## REPEALS

## PART I

## CONSENT TO PROSECUTIONS

Chapter or serial number	Short title	Extent of repeal
46 & 47 Vict. c. 3.	The Explosive Substances Act 1883.	In section 7(1) the words from " except " to the end of the subsection.
1 & 2 Geo. 5. c. 28.	The Official Secrets Act 1911.	In section 8 the proviso.
2 & 3 Geo. 6. c. 89.	The Trading with the Enemy Act 1939.	In section 1(4) the proviso.
10 & 11 Geo. 6. c. 14.	The Exchange Control Act 1947.	In Part II of Schedule 5 the proviso to paragraph 2(1).
4 & 5 Eliz. 2. c. 69.	The Sexual Offences Act 1956.	In Schedule 2, in paragraphs 14 and 15 the words "(subject however to sections thirteen and forty of the Children and Young Persons Act 1933)" wherever they occur.
6 & 7 Eliz. 2. c. 45.	The Prevention of Fraud (Investments) Act 1958.	In sections 1(3) and 14(7) the proviso.
9 & 10 Eliz. 2. c. 60.	The Suicide Act 1961.	In section 2(4) the words from " (subject to " to " (3) above)".
1967 c. 41.	The Marine, &c., Broadcasting (Offences) Act 1967.	In section 6(5) the words from " but this " to the end of the subsection.
1967 c. 52.	The Tokyo Convention Act 1967.	In section 1(2) the words from " but the foregoing " to the end of the subsection.
1967 c. 58.	The Criminal Law Act 1967.	In section 2(7) the words from " affect the operation" to " an offence, nor ".  In section 4(4) the proviso.
1967 c. 60.	The Sexual Offences Act 1967.	In section 8 the proviso.
1968 c. 60.	The Theft Act 1968.	In section 30(4) proviso (b) (including " and " at the end of proviso (a)).

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Chapter or serial number	Short title	Extent of repeal
1970 c. 10.	The Income and Corporation Taxes Act 1970.	In section 482(11) the proviso.
1971 c. 57.	The Pool Competitions Act 1971.	Section 6(3).
1971 c. 61.	The Mineral Workings (Offshore Installations) Act 1971.	Section 10(5).
1973 c. 47.	The Protection of Aircraft Act 1973.	In section 4(2) the words from " but the preceding " to the end of the subsection.
1974 c. 6.	The Biological Weapons Act 1974.	Section 2(3).
1974 c. 56.	The Prevention of Terrorism (Temporary Provisions) Act 1974.	In Part II of Schedule 3 paragraph 4(2).
<i>Statutory Instrument</i>		
S.I. 1968 No. 1020.	The Southern Rhodesia (United Nations Sanctions) (No. 2) Order 1968.	In Article 16(6) the proviso.

## PART II

### PROSECUTIONS IN NORTHERN IRELAND

Chapter or serial number	Short title	Extent of repeal
52 & 53 Vict. c. 69.	The Public Bodies Corrupt Practices Act 1889.	In section 4(1), the words from " the court " to " aforesaid ".
6 Edw. 7. c. 34.	The Prevention of Corruption Act 1906.	In section 2(1), the words from " the court " to " aforesaid ".
8 Edw. 7. c. 45.	The Punishment of Incest Act 1908.	In section 6, the words from " the court " to " aforesaid ".
20 Geo. 5. c. 1 (N.I.).	The Bankruptcy Amendment Act (Northern Ireland) 1929.	In sections 25(2) and 26(2), the words from " but nothing " onwards.
4 & 5 Geo. 6. c. 9 (N.I.).	The Prevention of Fraud (Investments) Act (Northern Ireland) 1940.	In sections 1(3) and 13(7), the proviso.
1953 c. 18 (N.I.).	The Prison Act (Northern Ireland) 1953.	In section 37, the words from " the court " to " aforesaid ".

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Chapter or serial number	Short title	Extent of repeal
1954 c. 10 (N.I.).	The Flags and Emblems (Display) Act (Northern Ireland) 1954.	In section 4, the words from " the court " to " aforesaid ".
1961 c. 15 (N.I.).	The Mental Health Act (Northern Ireland) 1961.	In sections 99(4), 100(4) and 101(7) the words from " the court " to " aforesaid ".
1966 c. 20 (N.I.).	The Criminal Justice Act (Northern Ireland) 1966.	In section 13(5), the words from " the court " to " aforesaid ".
1967 c. 18 (N.I.).	The Criminal Law Act (Northern Ireland) 1967.	In section 2(7) the words from " affect the operation " to " an offence, nor ".
		In section 4, in subsection (4), the words " Subject to subsection (5)", and subsection (5).
1970 c. 24 (N.I.).	The Prevention of Incitement to Hatred Act (Northern Ireland) 1970.	In section 3, in subsection (2), the words "Subject to subsection (3)," and subsection (3).
1972 c. 11 (N.I.).	The Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972.	Section 59(5).
	<i>Statutory Instrument</i>	
S.I. 1972 No. 538 (N.I. 1).	The Prosecution of Offences (Northern Ireland) Order 1972.	Article 7(3)(a).

### PART III

#### LAW OF EVIDENCE IN NORTHERN IRELAND

Chapter	Short title	Extent of repeal
1968 c. 28 (N.I.).	The Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968.	Section 1(10).
1968 c. 32 (N.I.).	The Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968.	Section 10.

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## PART IV

### OTHER REPEALS

Serial number	Short title	Extent of repeal
<a href="#">S.R. &amp; O. 1923 No. 405.</a>	The Irish Free State (Consequential Adaptation of Enactments) Order 1923.	In the Schedule the entry for the Explosive Substances Act 1883.