

Changes to legislation: Criminal Procedure and Investigations Act 1996, Paragraph 15 is up to date with all changes known to be in force on or before 05 April 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) View outstanding changes

SCHEDULES

SCHEDULE 4

MODIFICATIONS FOR NORTHERN IRELAND

Extent Information

- E1** Sch. 4 extends to Northern Ireland but the operation of Sch. 4 is limited by application as mentioned in s. 79(4)

Part IV of this Act

15 In section 39 for subsections (2) and (3) substitute—

- “(2) For the purposes of this Part a hearing is also a pre-trial hearing if—
- (a) it relates to a trial on indictment to be held in pursuance of an indictment presented under the authority of section 2(2)(c), (d), (e)^{F1}... of the Grand Jury (Abolition) Act (Northern Ireland) 1969, and
 - (b) it takes place after the indictment has been presented and before the start of the trial.

[^{F2}(2A) But, for the purposes of this Part, a hearing of the kind mentioned in section 45(2)(b) of the Criminal Justice Act 2003 is not a pre-trial hearing.]

- (3) For the purposes of this section the start of a trial on indictment occurs—
- (a) in the case of a trial to which [^{F3}section 5 of the Justice and Security (Northern Ireland) Act 2007] applies (trial by court without a jury), at the opening of the case for the prosecution or, if the court accepts a plea of guilty before that time, when that plea is accepted,
 - (b) in any other case, [^{F4}at the time when a jury is sworn] to consider the issue of guilt or fitness to be tried or, if the court accepts a plea of guilty before [^{F5}the time when a jury is sworn] , when that plea is accepted,

but this is subject to Article 7 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988.”

Textual Amendments

- F1** Sch. 4 para. 15: "section 39 as it applies to Northern Ireland, in subsection (2)(a), the words "or (f)"" repealed (12.4.2010) by virtue of [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), ss. 86, 87, Sch. 13; [S.R. 2010/113](#), art. 2, Sch. para. 21(q)
- F2** Words in Sch. 4 para. 15 inserted (24.7.2006 for E.W. and otherwise 8.1.2007) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 331, 336, [Sch. 36 Pt. 4 para. 72\(2\)](#); [S.I. 2006/1835](#), [art. 2\(h\)](#) (subject to [art. 3](#)); [S.I. 2006/3422](#), [art. 2\(c\)](#)

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- F3** Words in Sch. 4 para. 15 substituted (N.I.) (1.8.2007 and shall expire 1.8.2009 in accordance with s. 9(1) of the amending Act) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 8, 53(4), **Sch. 1 para. 1(4)**; S.I. 2007/2045, **art. 2(q)** (with art. 3 and with S.I. 2007/2259, **art. 2**)
- F4** Words in Sch. 4 para. 15 substituted (24.7.2006 for E.W. and otherwise 8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336, **Sch. 36 Pt. 4 para. 72(3)**; S.I. 2006/1835, **art. 2(h)** (subject to art. 3); S.I. 2006/3422, **art. 2(c)**
- F5** Words in Sch. 4 para. 15 substituted (24.7.2006 for E.W. and otherwise 8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336, **Sch. 36 Pt. 4 para. 72(3)**; S.I. 2006/1835, **art. 2(h)** (subject to art. 3); S.I. 2006/3422, **art. 2(c)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(6) added by [1997 c. 39 s. 9\(4\)](#)
- s. 5(1A) amendment to earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8 by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(i\)](#)
- s. 5(1A) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 8](#)
- s. 5(1A) words substituted in earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8(1) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(ii\)](#)
- s. 13(1)(ba)(b) substituted for s. 13(1)(b) by 2015 c. 9 (N.I.), Sch. 2 para. 8(2) (as inserted) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(iii\)](#)
- Sch. 4 para. 4(f) and word added by [S.I. 2003/1247 \(N.I.\) Sch. 1 para. 16](#)