

*These notes refer to the Justice Act (Northern Ireland)
2015 (c.9) which received Royal Assent on 24 July 2015*

Justice Act (Northern Ireland) 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Committal for trial

Chapter 1 – Preliminary investigations and mixed committals

Section 7: Preliminary investigations

This section amends the Magistrates' Courts (NI) Order 1981 ("the 1981 Order") by inserting a new Article 29A. This provides that committal proceedings in a magistrates' court shall be conducted by way of a preliminary investigation where the courts so directs, and in all other cases, shall be by way of a preliminary inquiry.

An accused may apply to the court for a direction that a preliminary investigation is to be held, and the court may grant such an application only if it is satisfied that a preliminary investigation is necessary in the interests of justice.

Section 8: Mixed committals: evidence on oath at preliminary inquiry

This section amends Article 34(2) of the 1981 Order (giving of evidence on oath at a preliminary inquiry) to provide that the prosecution or the accused may apply to the court for leave to require the giving of evidence on oath at a preliminary inquiry. Such leave will only be granted if, in the opinion of the court, this is necessary in the interests of justice.