

*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

Part 2 of the Act reforms the committal process to reform the use of preliminary investigations and the use of oral evidence at preliminary inquiries; provide for the direct committal to the Crown Court of certain indictable cases where the defendant intends to plead guilty at arraignment; and provide for the direct committal to the Crown Court of certain specified offences.

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.

Chapter 2 – Direct committal for trial in certain cases

Section 9: Application of this Chapter

This section provides that the direct transfer provisions apply where an accused person appears before a magistrates' court charged with an offence and certain conditions are satisfied.

Section 10: Direct committal: indication of intention to plead guilty

This section makes provision for the direct committal (without conducting committal proceedings) of an accused person to the Crown Court who wishes to plead guilty to an offence.

Section 11: Direct committal: specified offences

This section provides for the direct committal to the Crown Court for trial where an accused person is charged with a specified offence.

Section 12: Direct committal for trial: offences relating to specified offences

This section provides for the direct committal to the Crown Court for trial of a co-accused person who is charged with an offence related to a specified offence.

Section 13: Direct committal: procedures

This section prescribes the procedures to be followed in relation to direct committal, including the giving of notice to, and service of documents upon the accused and the Crown Court.

Section 14: Specified offences: application to dismiss

This section prescribes the procedures to enable an accused person who has been directly committed to the Crown Court to apply to the court to have the charge or charges dismissed.

Section 15: Restrictions on reporting applications for dismissal

This section makes provision for reporting restrictions in relation to applications for dismissal of a charge or charges.

Section 16: Supplementary and consequential provisions

This section gives effect to Schedule 3 to the Act, which contains amendments consequential to the provisions on direct committal, and makes further supplementary provision.