

1978 No. 1585 (N.I. 24)

NORTHERN IRELAND

**The Remand (Temporary Provisions)
(Northern Ireland) Order 1978**

Made - - - - - 6th November 1978
Laid before Parliament 7th November 1978
Coming into Operation 6th November 1978

At the Court at Buckingham Palace, the 6th day of November 1978

Present,

The Queen's Most Excellent Majesty in Council

Whereas it has been made to appear to Her Majesty that by reason of urgency this Order requires to be made without a draft having been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1. This Order may be cited as the Remand (Temporary Provisions) (Northern Ireland) Order 1978 and shall come into operation forthwith.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) This Order shall be construed as one with the Magistrates' Courts Act (Northern Ireland) 1964(c).

Remand by magistrates' courts

3.—(1) Subject to any direction of a magistrates' court under paragraph (3), it shall, notwithstanding anything in any other enactment or rule of law, not be necessary for an accused to be brought personally before a magistrates' court at the end of a period of remand in custody.

(2) Paragraph (1) applies where the period of remand began before as well as after the commencement of this Order.

(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).

(c) 1964 c. 21 (N.I.).

(3) Without prejudice to section 54(5) of the Magistrates' Courts Act (Northern Ireland) 1964, where in any proceedings a magistrates' court remands an accused in custody the court may where it thinks it desirable in the interests of justice, either at the time of the remand or at any time before the end of the period of remand, direct that at the end of the period of remand the accused shall be brought personally before a magistrates' court.

(4) Where by virtue of paragraph (1) an accused is not brought personally before a magistrates' court in any proceedings, those proceedings shall have effect in law and, as far as practicable be conducted, as if he were present; and in particular (but without prejudice to the generality of the foregoing) the court may further remand the accused in custody.

Duration and expiry of Article 3

4.—(1) Article 3 shall remain in force until the expiry of the period of three months beginning with the making of this Order and shall then expire unless continued in force by an order under paragraph (2)(a).

(2) The Secretary of State may by order provide—

(a) that Article 3 (including that Article as in force by virtue of an order under this sub-paragraph) shall continue in force for a period not exceeding one month from the coming into operation of the order;

(b) that Article 3 shall cease to be in force.

(3) An order under paragraph (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946(a) shall apply accordingly.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Article 3 of this Order, which is of temporary effect—

(a) makes it unnecessary for an accused to be brought before a magistrates' court in Northern Ireland at the end of any period of remand in custody;

(b) authorises such a court to direct that an accused be brought before it at the end of any period of remand.

Article 3 may be renewed by an order of the Secretary of State.

(a) 1946 c. 36.

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