
S T A T U T O R Y I N S T R U M E N T S

1980 No. 1626 (N.I. 14)

NORTHERN IRELAND

**The Remand (Temporary Provisions) (Northern Ireland)
Order 1980**

<i>Made</i>	29th October 1980
<i>Coming into Operation</i>	29th October 1980
<i>Laid before Parliament</i>	30th October 1980

At the Court of Saint James, the 29th day of October 1980

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 9th day of October 1980, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

Whereas it has been made to appear to the Counsellors of State hereinafter mentioned 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 Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, Countess of Snowdon, being authorised thereto by the said Letters Patent, 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 Majesty in that behalf, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf 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 1980 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 any rule of

(a) 1974 c. 28.

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

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

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.

(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 one month 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,

but Article 3 shall not continue in force by virtue of an order under sub-paragraph (a) beyond the end of the period of twelve months beginning with the making of this Order.

(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.