STATUTORY INSTRUMENTS

1988 No. 1846

The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988

Preparatory hearings

The preparatory hearing

8.—(1) At the preparatory hearing the judge may exercise any of the powers specified in this Article.

(2) The judge may adjourn a preparatory hearing from time to time.

(3) He may determine—

(a) any question as to the admissibility of evidence; and

[[F1](aa) a question arising under Article 43 of the Criminal Justice (Northern Ireland) Order 1996 (relevance of external law to certain charges of conspiracy, attempt and incitement); and**]**

(b) any other question of law relating to the case.

(4) He may order the prosecution—

(a) to supply the court and the defendant or, if there is more than one, each of them with a statement (a case statement) of the following—

(i) the principal facts of the prosecution case;

(ii) the witnesses who will speak to those facts;

(iii) any exhibits relevant to those facts;

(iv) any proposition of law on which the prosecution proposes to rely; and

(v) the consequences in relation to any of the counts in the indictment that appear to the prosecution to flow from the matters stated in pursuance of heads (i) to (iv);

(b) to prepare their evidence and other explanatory material in such a form as appears to him to be likely to aid comprehension by**[**[F2] a jury**]** and to supply it in that form to the court and to the defendant or, if there is more than one, to each of them;

(c) to give the court and the defendant or, if there is more than one, each of them notice of documents the truth of the contents of which ought in the prosecution's view to be admitted and of any other matters which in their view ought to be agreed;

(d) to make any amendments of any case statement supplied in pursuance of an order under sub#paragraph (*a*) that appear to the court to be appropriate, having regard to objections made by the defendant or, if there is more than one, by any of them.

(5) Where—

(a) a judge has ordered the prosecution to supply a case statement; and

(b) the prosecution have complied with the order,

he may order the defendant or, if there is more than one, each of them—

Sub-para. (i) rep. by 2003 c. 44

(ii) to give the court and the prosecution notice of any objections that he has to the case statement;

Sub-para. (iii) rep. by 2003 c. 44

(iv) to give the court and the prosecution a notice stating the extent to which he agrees with the prosecution as to documents and other matters to which a notice under paragraph (4) (*c*) relates and the reason for any disagreement.

(6) Crown Court rules may provide that except to the extent that disclosure is required

[[F3](a) by**[**[F4] section 5(7) of the Criminal Procedure and Investigations Act 1996**]**; or

(b) by Article 80 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (expert evidence)**]**

a summary required by virtue of paragraph (5) need not disclose who will give evidence.

(7) A judge making an order under paragraph (5) shall warn the defendant or, if there is more than one, all of them of the possible consequence under Article 9[F5]. . . of not complying with it.

(8) If it appears to a judge that reasons given in pursuance of paragraph (5)(iv) are inadequate, he shall so inform the person giving them, and may require him to give further or better reasons.

(9) An order under this Article may specify the time within which any specified requirement contained in it is to be complied with, but Crown Court rules may make provision as to the minimum or maximum time that may be specified for compliance.

(10) An order or ruling made **[**[F6]under this Article**]** shall have e#ect during the trial, unless it appears to the judge, on application made to him during the trial, that the interests of justice require him to vary or discharge it.

(11) An appeal shall lie to the Court of Appeal from any order or ruling of a judge under paragraph (3),**[**[F7] from the refusal by a judge of an application to which section 45 of the Criminal Justice Act 2003 applies or from an order of a judge under section 43 or 44 of that Act which is made on the determination of such an application,**]** but only with the leave of the judge or of the Court of Appeal.

(12) The judge may continue a preparatory hearing notwithstanding that leave to appeal has been granted under paragraph (11), but**[**[F8] the preparatory hearing shall not be concluded**]** until after the appeal has been determined or abandoned.

(13) On the termination of the hearing of an appeal, the Court of Appeal may confirm, reverse or vary the decision appealed against.

F1 1996 NI 24

F2 Words in art. 8(4)(b) substituted (8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336(3), Sch. 36 para. 58(2); S.I. 2006/3422, **art. 2(b)(c)**

F3 1989 NI 12

F4 Words in art. 8(6)(a) substituted (4.7.1996 with application as mentioned in s. 74(5) of the amending Act) by Criminal Procedure and Investigations Act 1996 (c. 25), **s. 74(4)** (as modified in its application to Northern Ireland by Sch. 4 para. 31(3))

F5 Word in art. 8(7) repealed (4.7.1996 with application as mentioned in Sch. 3 para. 8 of the amending Act) by Criminal Procedure and Investigations Act 1996 (c. 25), ss. 72, 80, Sch. 3 para. 4(2), **Sch. 5** (as modified in its application to Northern Ireland by Sch. 4 paras. 35, 36)

F6 Words in art. 8(10) substituted (4.7.1996 with application as mentioned in Sch. 3 para. 8 of the amending Act) by Criminal Procedure and Investigations Act 1996 (c. 25), s. 72, **Sch. 3 para. 4(3)** (as modified in its application to Northern Ireland by Sch. 4 para. 35)

F7 Words in art. 8(11) inserted (8.1.2007 for certain purposes, otherwise prosp.) by Criminal Justice Act 2003 (c. 44), ss. 45(5) (as modified in its application to Northern Ireland by s. 50(3)), 336(3); S.I. 2006/3422, **art. 2(a)**

F8 Words in art. 8(12) substituted (8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336(3), Sch. 36 para. 58(3); S.I. 2006/3422, **art. 2(b)(c)**

Changes to legislation:
The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988, Section 8 is up to date with all changes known to be in force on or before 20 August 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.
View outstanding changes

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

- Act amended by 1996 c. 25 s.79Sch 4 para.35
- Act amended by 1996 c. 25 s.79Sch 4 para.35
- Act rev.in pt. by 1996 c. 25 s. 72Sch.3 s.79Sch.4 para.36
- Act rev.in pt. by 1996 c. 25 s. 72Sch.3 s.79Sch.4 para.36
- Act rev.in pt. (prosp.) by 1996 c. 25 ss.7479Sch.4 para.36
- Act rev.in pt. (prosp.) by 1996 c. 25 ss.7479Sch.4 para.36