

SCHEDULE

Article 13.

MINOR AND CONSEQUENTIAL AMENDMENTS

*The Costs in Criminal Cases Act (Northern Ireland) 1968 (c. 10)*

1.—(1) In section 3(1), after the word “offence” insert the words “or a judge of the Crown Court conducting a preparatory hearing under the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988”.

(2) After section 3(2) insert the following subsection—

“(2A) Where a notice of transfer is given under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 but a person in relation to whose case it is given is not tried on a charge to which it relates, the Crown Court shall have the same power to order the payment of costs under this Act as if that person had been tried and acquitted.”.

(3) After section 4(2) insert the following subsection—

“(2A) The Court may also order the Secretary of State to pay the costs of the appellant on an appeal under Article 8(11) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988.”.

(4) In Section 4(3) for the words “subsection (2)” substitute the words “subsections (2) and (2A)”.

*The Grand Jury (Abolition) Act (Northern Ireland) 1969 (c. 15 (N.I.))*

2.—(1) In section 2(2) (procedures for indictment of offenders), after paragraph (a) insert the following paragraph—

“(aa) the offence is specified in a notice of transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (serious and complex fraud); or”.

(2) After section 2(5) insert the following subsection—

“(5A) In a case to which subsection (2)(aa) applies, the indictment may include, either in substitution for or in addition to any count charging an offence specified in the notice of transfer, any counts founded on material that accompanied the copy of that notice which, in pursuance of regulations under Article 4(7) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988, was given to the person charged, being counts which may lawfully be joined in the same indictment.”.

*The Evidence of Alibi Act (Northern Ireland) 1972 (c. 6 (N.I.))*

3. In section 1(1), after paragraph (a) insert the following paragraph—

“(aa) in a case where a notice of transfer has been given under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988, within seven days from the day on which that notice is given;”.

*The Judicature (Northern Ireland) Act 1978 (c. 23)*

4.—(1) In section 48 (alteration by Crown Court of place of trial)—

(a) in subsection (2), after the word “or”, in the second place where it occurs, insert the words “by substituting some other place for the place specified in a notice under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (notices of transfer from magistrates' court to Crown Court) or by varying”;

*Status: This is the original version (as it was originally made).*

- (b) in subsection (3), for the word “or”, in the second place where it occurs, substitute the words “, as specified in a notice under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or as fixed”;
  - (c) in paragraphs (a) and (b) of subsection (5), after the word “committal”, in each place insert the words “or of the giving of a notice of transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988”; and
  - (d) after subsection (6) insert the following subsection—
    - “(6A) Where a preparatory hearing has been ordered under Article 6 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988, directions altering the place of trial may be given under subsection (2) at any time before the jury are sworn.”
- (2) In section 51(4)(a) (power of Crown Court to grant bail to any person committed in custody for appearance before the Crown Court) after the word “Court” insert the words “or in relation to whose case a notice of transfer has been given under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988”.

*The Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*

- 5.—(1) In section 19, after subsection (1) insert the following subsection—
- “(1A) The Crown Court or the Court of Appeal may order that a person shall be given legal aid for the purpose of—
    - (a) an application for leave to appeal under Article 8(11) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (appeals against orders or rulings at preparatory hearings); or
    - (b) of an appeal under that paragraph.”.
- (2) At the end of section 31(1) (right of appeal to House of Lords) add the words “or Article 8 (preparatory hearings) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988”.
- (3) In section 35 (bail on appeal by defendant) after the word “thereunder” insert the words “other than a person appealing or applying for leave to appeal from a decision on an appeal under Article 8(11) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (appeals against orders or rulings at preparatory hearings),”.
- (4) In section 38 (presence of defendant at hearing) after the word “who” insert the words “has been convicted of an offence and”.

*The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8)*

- 6.—(1) In Article 29(1), after the word “offence” insert the words “or in respect of whom a notice of transfer has been given under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988”.
- (2) In Article 29(2), after sub-paragraph (b) insert—
- “or
- (c) where a notice of transfer is given under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988, by the magistrates' court before which the person to whom the notice relates is brought or by the Crown Court sitting at the place specified by the notice as the proposed place of trial or at any place substituted for it by a direction mentioned in Article 4(5) of that Order.”.