

SCHEDULES

SCHEDULE 1

Notices of Transfer: Procedure in Lieu of Committal

Reporting restrictions

5.—(1) Except as provided by this paragraph, it shall not be lawful—

- (a) to publish in Northern Ireland a written report of an application under paragraph 4(1); or
- (b) to include in a relevant programme for reception in Northern Ireland a report of such an application,

if (in either case) the report contains any matter other than that permitted by this paragraph.

(2) An order that sub-paragraph (1) shall not apply to reports of an application under paragraph 4(1) may be made by the judge dealing with the application.

(3) Where in case of 2 or more accused one of them objects to the making of an order under sub-paragraph (2), the judge shall make the order if, and only if, he is satisfied, after hearing the representations of the accused, that it is in the interests of justice to do so.

(4) An order under sub-paragraph (2) shall not apply to reports of proceedings under sub-paragraph (3), but any decision of the court to make or not to make such an order may be contained in reports published or included in a relevant programme before the time authorised by sub-paragraph (5).

(5) It shall not be unlawful under this paragraph to publish or include in a relevant programme a report of an application under paragraph 4(1) containing any matter other than that permitted by sub-paragraph (8) where the application is successful.

(6) Where—

- (a) 2 or more persons were jointly charged; and
- (b) applications under paragraph 4(1) are made by more than one of them,

sub-paragraph (5) shall have effect as if for the words “the application is” there were substituted the words “all the applications are”.

(7) It shall not be unlawful under this paragraph to publish or include in a relevant programme a report of an unsuccessful application at the conclusion of the trial of the person charged, or of the last of the persons charged to be tried.

(8) The following matters may be contained in a report published or included in a relevant programme without an order under sub-paragraph (2) before the time authorised by sub-paragraphs (5) and (6), that is to say—

- (a) the identity of the court and the name of the judge;
- (b) the names, ages, home addresses and occupations of the accused and witnesses;
- (c) the offence or offences, or a summary of them, with which the accused is or are charged;
- (d) the names of counsel and solicitors engaged in the proceedings;
- (e) where the proceedings are adjourned, the date and place to which they are adjourned;

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- (f) the arrangements as to bail;
 - (g) whether legal aid was granted to the accused or any of the accused.
- (9) The addresses that may be published or included in a relevant programme under sub-paragraph (8) are addresses—
- (a) at any relevant time; and
 - (b) at the time of their publication or inclusion in a relevant programme.
- (10) If a report is published or included in a relevant programme in contravention of this paragraph, the following persons, that is to say—
- (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
 - (b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;
 - (c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of the editor of a newspaper;

shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(11) Proceedings for an offence under this paragraph shall not be instituted otherwise than by or with the consent of the Attorney General.

(12) Sub-paragraph (1) shall be in addition to, and not in derogation from, the provisions, of any other statutory provision with respect to the publication of reports of court proceedings.

(13) In this paragraph—

“publish”, in relation to report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;

“relevant programme” means a programme included in a programme service (within the meaning of the Broadcasting Act 1990⁽¹⁾);

“relevant time” means a time when events giving rise to the charges to which the proceedings relate occurred.

(1) 1990 c. 42