

1994 No. 344

**CRIMINAL PROCEDURE**

**The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (Notice of Transfer) (Amendment) Regulations 1994**

*Made* . . . . . *1st September 1994*

*Coming into operation* . . . . . *1st November 1994*

*To be laid before Parliament*

The Attorney General, in exercise of the powers conferred on him by Article 4(7) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(a), hereby makes the following regulations:

*Citation and commencement*

1. These regulations may be cited as the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (Notice of Transfer) (Amendment) Regulations 1994 and shall come into operation on 1st November 1994.

*Interpretation*

2. In these regulations “the principal regulations” means the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (Notice of Transfer) Regulations 1989(b).

*Amendment of the principal regulations*

3. For the Schedule to the principal regulations there shall be substituted the new Schedule set out in the Schedule to these regulations.

1st September 1994

*Nicholas Lyell*  
Her Majesty’s Attorney General

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(a) S.I. 1988/1846 (N.I. 16)  
(b) S.R. 1989 No. 338, amended by S.R. 1989 No. 467

Schedule substituted for Schedule to the Principal Regulations.

“SCHEDULE

Regulations 3 and 4

FORM 1

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

THE QUEEN

v

NOTICE OF TRANSFER OF CASE TO THE CROWN COURT

To the clerk of petty sessions

Magistrates' Court

1. I am [an officer of]  
[acting on behalf of him/them].

2.                               has/have been charged with the indictable offence/offences specified in the Schedule of Charges attached to this Form.

3. The magistrates' court in whose jurisdiction the offence/offences has/have been committed has not—

(a) commenced hearing the evidence for the prosecution (other than a deposition relating to the arrest or to the remand of the accused), where the court is conducting a preliminary investigation, or

(b) begun to conduct a preliminary inquiry.

4. I certify that in my opinion the evidence of the offence/offences charged—

(a) would be sufficient for   to be committed for trial, and

(b) reveals a case of fraud of such seriousness and complexity that it is appropriate that the management of the case should without delay be taken over by the Crown Court.

5. Accordingly, the functions of the magistrates' court cease in relation to the case, except as provided by Article 4(3) and (6) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(a) and by Article 29(2)(c) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(b).

6. The proposed place of trial is the Crown Court sitting at

[Where this notice relates to more than one person, paragraph 7 is to be completed in respect of each person to whom it relates.]

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(a) S.I. 1988/1846 (N.I. 16)

(b) S.I. 1981/228 (N.I. 8)

No. 344

*Criminal Procedure*

1971

7. was on the day of 19 remanded in  
custody to appear at Magistrates' Court on the  
day of 19 .

or

7. was on the day of 19 remanded on  
bail to appear at Magistrates' Court on the  
day of 19 . [Notice has been given to him that this requirement has  
now ceased but that it is his duty to appear before the Crown Court sitting at  
, or at such other place as shall be notified to him, on a date to  
be notified to him.] [Notice has been given to him that this requirement  
continues.]

8. Each of the witnesses listed in the Schedule of Proposed Witnesses will be required to attend and give evidence before the Crown Court.

Dated this day of 19 .

Name

Title

SCHEDULE OF CHARGES

SCHEDULE OF PROPOSED WITNESSES

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

THE QUEEN

v

## NOTICE TO PERSON TO WHOM A NOTICE OF TRANSFER RELATES

To \_\_\_\_\_ of \_\_\_\_\_

1. Under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(a) I have given to \_\_\_\_\_ Magistrates' Court a notice of transfer in relation to the charges specified in the notice, a copy of which is attached. Accordingly, the case is transferred to the Crown Court. The proposed place of trial is the Crown Court sitting at \_\_\_\_\_

2. The Crown Court may give directions altering the place of trial. If you are dissatisfied with the proposed place of trial stated in the notice of transfer, or the place of trial as substituted by a direction of the Crown Court, you may apply to the Crown Court to vary the place of trial.

3. On the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ Magistrates' Court remanded you in custody to appear on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_. [The Court later granted you bail subject to certain conditions which you failed to meet, and accordingly you have remained in custody to appear on that day.] Under Article 4(3) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 the Magistrates' Court has power—

- (a) to order that you shall be safely kept in custody until delivered in due course of law, or
- (b) to release you on bail, that is to say, by directing you to appear before the Crown Court for trial.

or

3. On the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ Magistrates' Court remanded you on bail to appear on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_. That requirement has ceased and in accordance with Article 4(5) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 it is your duty to appear before the Crown Court sitting at \_\_\_\_\_, or at such other place as may be notified to you, on a date to be notified to you.

or

3. On the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ Magistrates' Court remanded you on bail to appear on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_. You are required to so appear notwithstanding the giving of the notice of transfer.

4. The indictment against you 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 evidence set out in the material that accompanies this notice, being counts which may lawfully be joined in the same indictment.

5. I enclose—

- (a) a list of the witnesses whom the Crown proposes to call to give oral evidence at your trial; and
- (b) a list of the witnesses whose attendance at your trial the Crown considers unnecessary on the ground that their evidence is unlikely to be required or unlikely to be disputed.

together with in each case copies of the statements or other documents outlining the evidence of those witnesses.

6. I also enclose a list of the exhibits in your case together with copies of those exhibits which are in documentary form.

7. At any time before you are arraigned at the Crown Court you may apply orally or in writing to the Crown Court for the charge/any of the charges to be dismissed on the ground that the evidence which has been disclosed is not sufficient for a jury properly to convict you of it. If you wish to apply for the charge/any of the charges to be dismissed, you should make a written application not later than 28 days after the day on which the notice of transfer was given or give notice within the same period of your intention to do so orally, in accordance with the requirements of the Crown Court (Serious Fraud) Rules (Northern Ireland) 1989(a). These periods may be extended on application to the Crown Court.

8. At your trial you may not be permitted to adduce evidence of an alibi unless you give notice of particulars of the alibi in accordance with section 1 of the Evidence of Alibi Act (Northern Ireland) 1972(b). Such notice should be given to me within 7 days of the giving of the notice of transfer.

Dated this        day of        19 .

Name

Title

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(a) S.R. 1989 No. 294  
 (b) 1972 c. 6 (N.I.)

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations further amend the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (Notice of Transfer) Regulations 1989. They correct errors in the Schedule to those regulations.