



Judicature (Northern Ireland) Act 1978

1978 CHAPTER 23

PART IV

THE CROWN COURT

[^{F1}51A Issue of witness summons on application to Crown Court.

- (1) This section applies where the Crown Court is satisfied that—
 - (a) a person is likely to be able to give evidence likely to be material evidence, or produce any document or thing likely to be material evidence, for the purpose of any criminal proceedings before the Crown Court, and
 - [^{F2}(b) it is in the interests of justice to issue a summons under this section to secure the attendance of that person to give evidence or to produce the document or thing.]
- (2) In such a case the Crown Court shall, subject to the following provisions of this section, issue a summons (a witness summons) directed to the person concerned and requiring him to—
 - (a) attend before the Crown Court at the time and place stated in the summons, and
 - (b) give the evidence or produce the document or thing.
- (3) A witness summons may only be issued under this section on an application; and the Crown Court may refuse to issue the summons if any requirement relating to the application is not fulfilled.
- (4) Where a person has been committed for trial for any offence to which the proceedings concerned relate, an application must be made as soon as is reasonably practicable after the committal.
- (5) Where the proceedings concerned have been transferred to the Crown Court, an application must be made as soon as is reasonably practicable after the transfer.
- (6) Where the proceedings concerned relate to an offence in relation to which an indictment has been presented under the authority of section 2(2)(c), (d), (e) or (f) of

Changes to legislation: Judicature (Northern Ireland) Act 1978, Section 51A is up to date with all changes known to be in force on or before 07 March 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. (See end of Document for details) View outstanding changes

the Grand Jury (Abolition) Act (Northern Ireland) 1969, an application must be made as soon as is reasonably practicable after the indictment is presented.

- (7) An application must be made in accordance with Crown Court rules; and different provision may be made for different cases or descriptions of case.
- (8) Crown Court rules—
- (a) may, in such cases as the rules may specify, require an application to be made by a party to the case;
 - (b) may, in such cases as the rules may specify, require the service of notice of an application on the person to whom the witness summons is proposed to be directed;
 - (c) may, in such cases as the rules may specify, require an application to be supported by an affidavit containing such matters as the rules may stipulate;
 - (d) may, in such cases as the rules may specify, make provision for enabling the person to whom the witness summons is proposed to be directed to be present or represented at the hearing of the application for the witness summons.
- (9) Provision contained in Crown Court rules by virtue of subsection (8)(c) may in particular require an affidavit to—
- (a) set out any charge on which the proceedings concerned are based;
 - (b) specify any stipulated evidence, document or thing in such a way as to enable the directed person to identify it;
 - (c) specify grounds for believing that the directed person is likely to be able to give any stipulated evidence or produce any stipulated document or thing;
 - (d) specify grounds for believing that any stipulated evidence is likely to be material evidence;
 - (e) specify grounds for believing that any stipulated document or thing is likely to be material evidence.
- (10) In subsection (9)—
- (a) references to any stipulated evidence, document or thing are to any evidence, document or thing whose giving or production is proposed to be required by the witness summons;
 - (b) references to the directed person are to the person to whom the witness summons is proposed to be directed.]

Textual Amendments

- F1** Ss. 51A-51H inserted (4.7.1996) by virtue of 1996 c. 25, s. 79(4), Sch. 4 paras. 1, 28 (by virtue of which provisions the 1996 Act has effect, subject to the modification that in its application to N.I. for s. 66(1)(4) of that Act there is substituted s. 66(1)(4) as set out in Sch. 4 para. 28 of the 1996 Act) (with s. 78(1))
- F2** S. 51A(1)(b) substituted (1.7.2005) by *Serious Organised Crime and Police Act 2005 (c. 15)*, ss. 169(5), 178(8); S.I. 2005/1521, art. 3(bb)

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Changes and effects yet to be applied to :

- s. 51A(6) words repealed by [2002 c. 26 Sch. 13](#)

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(1)(1A) substituted for s. 14(1) by [2002 c. 26 Sch. 12 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))
- s. 106(3A) inserted by [2011 c. 24 \(N.I.\) s. 89\(1\)](#)