

**Changes to legislation:** *Criminal Procedure and Investigations Act 1996, Paragraph 35 is up to date with all changes known to be in force on or before 19 April 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*

## SCHEDULES

### SCHEDULE 4

#### MODIFICATIONS FOR NORTHERN IRELAND

##### Extent Information

- E1** Sch. 4 extends to Northern Ireland but the operation of Sch. 4 is limited by application as mentioned in s. 79(4)

##### *Part VII of this Act*

35 For Schedule 3 substitute—

##### “SCHEDULE 3

##### FRAUD

##### *Introduction*

- 1 The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 shall be amended as provided by this Schedule.

##### *Notice of transfer*

- 2 In Article 3 (transfer of certain fraud cases to the Crown Court) in paragraph (1)(b)(ii) for the words “seriousness and complexity” there shall be substituted the words “seriousness or complexity”.

##### *Preparatory hearings*

- 3 (1) Article 6 (power to order preparatory hearing) shall be amended as follows.  
(2) In paragraph (1) for the words “seriousness and complexity” there shall be substituted the words “seriousness or complexity”.  
(3) Paragraphs (3) to (5) (power to make order that could be made at the hearing) shall be omitted.
- 4 (1) Article 8 (the preparatory hearing) shall be amended as follows.  
(2) In paragraph (7) (warning of possible consequence under Article 9(1)) the word “(1)” shall be omitted.  
(3) In paragraph (10) for the words “at or for the purposes of a preparatory hearing” there shall be substituted “under this Article”.
- 5 The following Article shall be inserted after Article 8—

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***“Orders before preparatory hearing***

- 8A (1) Paragraph (2) applies where—
- (a) a judge orders a preparatory hearing, and
  - (b) he decides that any order which could be made under Article 8(4) or (5) at the hearing should be made before the hearing.
- (2) In such a case—
- (a) he may make any such order before the hearing (or at the hearing), and
  - (b) paragraphs (4) to (10) of Article 8 shall apply accordingly.”
- 6 The following Article shall be substituted for Article 9 (later stages of trial)
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***“Later stages of trial***

- 9 (1) Any party may depart from the case he disclosed in pursuance of a requirement imposed under Article 8.
- (2) Where—
- (a) a party departs from the case he disclosed in pursuance of a requirement imposed under Article 8, or
  - (b) a party fails to comply with such a requirement,
- the judge or, with the leave of the judge, any other party may make such comment as appears to the judge or the other party (as the case may be) to be appropriate and the jury may draw such inference as appears proper.
- (3) In deciding whether to give leave the judge shall have regard—
- (a) to the extent of the departure or failure, and
  - (b) to whether there is any justification for it.
- (4) Except as provided by this Article no part—
- (a) of a statement given under Article 8(5), or
  - (b) of any other information relating to the case for the accused or, if there is more than one, the case for any of them, which was given in pursuance of a requirement imposed under Article 8,
- may be disclosed at a stage in the trial after the jury have been sworn without the consent of the accused concerned.”

*Reporting restrictions*

- 7 The following Articles shall be substituted for Article 10 (reporting restrictions)—

***“Restrictions on reporting***

- 10 (1) Except as provided by this Article—
- (a) no written report of proceedings falling within paragraph (2) shall be published in Northern Ireland;

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- (b) no report of proceedings falling within paragraph (2) shall be included in a relevant programme for reception in Northern Ireland.
- (2) The following proceedings fall within this paragraph—
    - (a) an application under Article 5(1);
    - (b) a preparatory hearing;
    - (c) an application for leave to appeal in relation to such a hearing;
    - (d) an appeal in relation to such a hearing.
  - (3) The judge dealing with an application under Article 5(1) may order that paragraph (1) shall not apply, or shall not apply to a specified extent, to a report of the application.
  - (4) The judge dealing with a preparatory hearing may order that paragraph (1) shall not apply, or shall not apply to a specified extent, to a report of—
    - (a) the preparatory hearing, or
    - (b) an application to the judge for leave to appeal to the Court of Appeal under Article 8(11) in relation to the preparatory hearing.
  - (5) The Court of Appeal may order that paragraph (1) shall not apply, or shall not apply to a specified extent, to a report of—
    - (a) an appeal to the Court of Appeal under Article 8(11) in relation to a preparatory hearing,
    - (b) an application to that Court for leave to appeal to it under Article 8(11) in relation to a preparatory hearing, or
    - (c) an application to that Court for leave to appeal to the House of Lords under Part II of the Criminal Appeal (Northern Ireland) Act 1980 in relation to a preparatory hearing.
  - (6) The House of Lords may order that paragraph (1) shall not apply, or shall not apply to a specified extent, to a report of—
    - (a) an appeal to that House under Part II of the Criminal Appeal (Northern Ireland) Act 1980 in relation to a preparatory hearing, or
    - (b) an application to that House for leave to appeal to it under Part II of the Criminal Appeal (Northern Ireland) Act 1980 in relation to a preparatory hearing.
  - (7) Where there is only one accused and he objects to the making of an order under paragraph (3), (4), (5) or (6) the judge or the Court of Appeal or the House of Lords shall make the order if (and only if) satisfied after hearing the representations of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.
  - (8) Where there are two or more accused and one or more of them objects to the making of an order under paragraph (3), (4), (5) or (6) the judge or the Court of Appeal or the House of Lords shall make the order if (and only if) satisfied after hearing the representations of each of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.
  - (9) Paragraph (1) does not apply to—
    - (a) the publication of a report of an application under Article 5(1), or

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- (b) the inclusion in a relevant programme of a report of an application under Article 5(1),

where the application is successful.

(10) Where—

- (a) two or more persons are jointly charged, and
- (b) applications under Article 5(1) are made by more than one of them, paragraph (9) shall have effect as if for the words “the application is” there were substituted “all the applications are”.

(11) Paragraph (1) does not apply to—

- (a) the publication of a report of an unsuccessful application made under Article 5(1),
- (b) the publication of a report of a preparatory hearing,
- (c) the publication of a report of an appeal in relation to a preparatory hearing or of an application for leave to appeal in relation to such a hearing,
- (d) the inclusion in a relevant programme of a report of an unsuccessful application made under Article 5(1),
- (e) the inclusion in a relevant programme of a report of a preparatory hearing, or
- (f) the inclusion in a relevant programme of a report of an appeal in relation to a preparatory hearing or of an application for leave to appeal in relation to such a hearing,

at the conclusion of the trial of the accused or of the last of the accused to be tried.

(12) Paragraph (1) does not apply to a report which contains only one or more of the following matters—

- (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) any relevant business information;
- (d) the offence or offences, or a summary of them, with which the accused is or are charged;
- (e) the names of counsel and solicitors in the proceedings;
- (f) where the proceedings are adjourned, the date and place to which they are adjourned;
- (g) any arrangements as to bail;
- (h) whether legal aid was granted to the accused or any of the accused.

(13) The addresses that may be published or included in a relevant programme under paragraph (12) are addresses—

- (a) at any relevant time, and
- (b) at the time of their publication or inclusion in a relevant programme; and “relevant time” here means a time when events giving rise to the charges to which the proceedings relate occurred.

(14) The following is relevant business information for the purposes of paragraph (12)—

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- (a) any address used by the accused for carrying on a business on his own account;
- (b) the name of any business which he was carrying on on his own account at any relevant time;
- (c) the name of any firm in which he was a partner at any relevant time or by which he was engaged at any such time;
- (d) the address of any such firm;
- (e) the name of any company of which he was a director at any relevant time or by which he was otherwise engaged at any such time;
- (f) the address of the registered or principal office of any such company;
- (g) any working address of the accused in his capacity as a person engaged by any such company;

and here “engaged” means engaged under a contract of service or a contract for services, and “relevant time” has the same meaning as in paragraph (13).

- (15) Nothing in this Article affects any prohibition or restriction imposed by virtue of any other enactment on a publication or on matter included in a programme.
- (16) In this Article—
- (a) “publish”, in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;
  - (b) expressions cognate with “publish” shall be construed accordingly;
  - (c) “relevant programme” means a programme included in a programme service, within the meaning of the <sup>M1</sup>Broadcasting Act 1990.

### ***Offences in connection with reporting***

- 10A(1) If a report is published or included in a relevant programme in contravention of Article 10 each of the following persons is guilty of an offence—
- (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 an editor of a newspaper.
- (2) A person guilty of an offence under this Article is liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.
- (3) Proceedings for an offence under this Article shall not be instituted otherwise than by or with the consent of the Attorney General for Northern Ireland.
- (4) Paragraph (16) of Article 10 applies for the purposes of this Article as it applies for the purposes of that.”

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### General

- 8 (1) This Schedule applies in relation to an offence if—
- (a) the accused is committed for trial on the charge concerned, or proceedings for the trial on the charge concerned are transferred to the Crown Court, on or after the appointed day, or
  - (b) an indictment relating to the offence is presented on or after the appointed day under the authority of section 2(2)(c), (e) <sup>F1</sup>... of the Grand Jury (Abolition) Act (Northern Ireland) 1969.
- (2) References in this paragraph to the appointed day are to such day as is appointed for the purposes of this Schedule by the Secretary of State by order.”

#### Textual Amendments

- F1** Sch. 4 para. 35: "Sch. 3 as it applies to Northern Ireland, in para. 8(1)(b), the words "or (f)"" repealed (12.4.2010) by virtue of [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), ss. 86, 87, Sch. 13; [S.R. 2010/113](#), art. 2, Sch. para. 21(q)

#### Marginal Citations

- M1** 1990 c. 42.

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**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. 1(6) added by [1997 c. 39 s. 9\(4\)](#)
- s. 5(1A) amendment to earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8 by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(i\)](#)
- s. 5(1A) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 8](#)
- s. 5(1A) words substituted in earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8(1) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(ii\)](#)
- s. 13(1)(ba)(b) substituted for s. 13(1)(b) by 2015 c. 9 (N.I.), Sch. 2 para. 8(2) (as inserted) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(iii\)](#)
- Sch. 4 para. 4(f) and word added by [S.I. 2003/1247 \(N.I.\) Sch. 1 para. 16](#)