



# Justice (Northern Ireland) Act 2002

## 2002 CHAPTER 26

### PART 2

#### LAW OFFICERS AND PUBLIC PROSECUTION SERVICE

##### *Supplementary*

#### 44 Interpretation

- (1) For the purposes of this Part proceedings in relation to an offence are instituted—
  - (a) where a summons is issued under Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)), when the complaint for the offence is made under that Article,
  - (b) where a warrant is issued for the arrest of any person under that Article, when the complaint for the offence is made under that Article,
  - (c) where a person is charged with the offence after being taken into custody without a warrant, when he is informed of the particulars of the charge,
  - (d) where an indictment is presented under section 2 of the Grand Jury (Abolition) Act (Northern Ireland) 1969 (c. 15 (N.I.)) in a case falling within paragraph (c) or (e) of subsection (2) of that section, when the indictment is presented to the court.
- (2) Where the application of subsection (1) would result in there being more than one time for the institution of the proceedings, they are to be taken to have been instituted at the earliest of those times.
- (3) Where proceedings are instituted on the making of a complaint under Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)), section 31(1) does not require the Director to do anything until the summons or warrant issued under that Article has been served or executed.
- (4) For the purposes of this Part references to the conduct of any proceedings include discontinuing the proceedings and the taking of any steps which may be taken

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**Changes to legislation:** Justice (Northern Ireland) Act 2002, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 24 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

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in relation to the proceedings (including making representations on appeals or applications for judicial review or in bail applications).

- (5) For the purposes of this Part binding over proceedings shall be taken to be criminal proceedings.
- (6) “Binding over proceedings” means any proceedings instituted (whether by way of complaint under Article 127 of the Magistrates’ Courts (Northern Ireland) Order 1981 or otherwise) with a view to obtaining from a magistrates’ court an order requiring a person to enter into a recognisance to keep the peace or to be of good behaviour.
- [<sup>F1</sup>(7) For the purposes of this Part “extradition proceedings” means proceedings under the Extradition Act 2003.]

#### Textual Amendments

- F1** S. 44(7) inserted (1.1.2004) by Extradition Act 2003 (c. 41), ss. 192(8), 221; S.I. 2003/3103, art. 2 (subject to savings in Order (as amended by S.I. 2003/3258 and S.I. 2003/3312))

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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. 31(1A) inserted by [2023 c. 41 Sch. 13 para. 5\(2\)](#)
- s. 31(7) inserted by [2023 c. 41 Sch. 13 para. 5\(4\)](#)