



Criminal Justice Act 2003

2003 CHAPTER 44

PART 7

TRIALS ON INDICTMENT WITHOUT A JURY

50 Application of Part 7 to Northern Ireland

- (1) In its application to Northern Ireland this Part is to have effect—
 - (a) subject to subsection (2), and
 - (b) subject to the modifications in subsections (3) to (16).
- (2) This Part does not apply in relation to a trial to which section 75 of the Terrorism Act 2000 (c. 11) (trial without jury for certain offences) applies.
- (3) For section 45 substitute—

“45 Procedure for applications under sections 43 and 44

- (1) This section applies—
 - (a) to an application under section 43, and
 - (b) to an application under section 44.
- (2) An application to which this section applies must be determined—
 - (a) at a preparatory hearing (within the meaning of the 1988 Order), or
 - (b) at a hearing specified in, or for which provision is made by, Crown Court rules.
- (3) The parties to a hearing mentioned in subsection (2) at which an application to which this section applies is to be determined must be given an opportunity to make representations with respect to the application.
- (4) In Article 6(1) of the 1988 Order (which sets out the purposes of preparatory hearings) for sub-paragraphs (a) to (c) there is substituted—

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- “(a) identifying issues which are likely to be material to the determinations and findings which are likely to be required during the trial;
 - (b) if there is to be a jury, assisting their comprehension of those issues and expediting the proceedings before them;
 - (c) determining an application to which section 45 of the Criminal Justice Act 2003 applies; or”.
- (5) In Article 8(11) of the 1988 Order (appeal to Court of Appeal) after “(3),” there is inserted “ from the refusal by a judge of an application to which section 45 of the Criminal Justice Act 2003 applies or from an order of a judge under section 43 or 44 of that Act which is made on the determination of such an application, ”.
- (6) In this section “the 1988 Order” means the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988.”
- (4) For section 47(1) substitute—
 - “(1) An appeal shall lie to the Court of Appeal—
 - (a) from the refusal by a judge at a hearing mentioned in section 45(2)
 - (b) of an application to which section 45 applies or from an order of a judge at such a hearing under section 43 or 44 which is made on the determination of such an application,
 - (b) from an order under section 46(3) or (5).”
- (5) In section 47(3) after “order” insert “ or a refusal of an application ”.
- (6) In section 47(4) for “confirm or revoke the order” substitute—
 - “(a) where the appeal is from an order, confirm or revoke the order, or
 - (b) where the appeal is from a refusal of an application, confirm the refusal or make the order which is the subject of the application”.
- (7) Omit section 47(5).
- (8) For section 47(6) substitute—
 - “(6) In section 31(1) of the Criminal Appeal (Northern Ireland) Act 1980 (right of appeal to [^{F1}Supreme Court]) after “1988” there is inserted “ or section 47 of the Criminal Justice Act 2003 ”.”
- (9) For section 47(7) substitute—
 - “(7) In section 35 of that Act (bail) after “hearings)” there is inserted “ or section 47 of the Criminal Justice Act 2003 ”.”
- (10) In section 47(8)
 - [^{F2}(a) for “Secretary of State” substitute Department of Justice in Northern Ireland; and
 - (b)] for “Criminal Appeal Act 1968” substitute “ Criminal Appeal (Northern Ireland) Act 1980 ”.
- (11) In section 48(4) after “enactment” insert “ (including any provision of Northern Ireland legislation) ”.
- (12) For section 48(5)(b) substitute—

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“(b) the reference in section 16(1) of the Criminal Appeal (Northern Ireland) Act 1980 (c. 47) (notice of appeal or application for leave) to the date of the conviction is to be read as a reference to the date of the judgment mentioned in paragraph (a).”

(13) In section 48(6)—

- [^{F3}(a) for “section 4A of the Criminal Procedure (Insanity) Act 1964” substitute Article 49A of the Mental Health (Northern Ireland) Order 1986, and
(b) for “that section” substitute that Article.]

(14) After section 48 insert—

“48A Reporting restrictions

- (1) Sections 41 and 42 of the Criminal Procedure and Investigations Act 1996 (c. 25) are to apply in relation to—
- (a) a hearing of the kind mentioned in section 45(2)(b), and
 - (b) any appeal or application for leave to appeal relating to such a hearing, as they apply in relation to a ruling under section 40 of that Act, but subject to the following modifications.
- (2) Section 41(2) of that Act is to have effect as if for paragraphs (a) to (d) there were substituted—
- “(a) a hearing of the kind mentioned in section 45(2)(b) of the Criminal Justice Act 2003;
 - (b) any appeal or application for leave to appeal relating to such a hearing.”
- (3) Section 41(3) of that Act is to have effect as if—
- (a) for “(2)” there were substituted “(2)(a) or an application to that judge for leave to appeal to the Court of Appeal”, and
 - (b) after “matter” in the second place where it occurs there were inserted “ or application ”.
- (4) Section 41 of that Act is to have effect as if after subsection (3) there were inserted—
- “(3A) The Court of Appeal may order that subsection (1) shall not apply, or shall not apply to a specified extent, to a report of—
- (a) an appeal to that Court, or
 - (b) an application to that Court for leave to appeal.
- (3B) The [^{F4}Supreme Court] may order that subsection (1) shall not apply, or shall not apply to a specified extent, to a report of—
- (a) an appeal to [^{F5}the Supreme Court], or
 - (b) an application to [^{F5}the Supreme Court] for leave to appeal.”
- (5) Section 41(4) of that Act is to have effect as if for “(3) the judge” there were substituted “(3), (3A) or (3B), the judge, the Court of Appeal or the [^{F6}Supreme Court]”.

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(6) Section 41(5) of that Act is to have effect as if for “(3) the judge” there were substituted “ (3), (3A) or (3B), the judge, the Court of Appeal or the [F6Supreme Court] ”.”

(15) For section 49(2) substitute—

“(2) Without limiting subsection (1), rules of court may in particular make provision—

- (a) for time limits within which applications under this Part must be made or within which other things in connection with this Part must be done;
- (b) in relation to hearings of the kind mentioned in section 45(2)(b) and appeals under section 47.”

(16) In section 49(3)—

- (a) after “section” insert “ or section 45(2)(b) ”, and
- (b) after “enactment” insert “ (including any provision of Northern Ireland legislation) ”.

Textual Amendments

- F1** Words in s. 50(8) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#) ss. 40(4), 148, {Sch. 9 para. 82(2)(a)}; [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F2** Words in s. 50(10) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 12, [Sch. 14 para. 78\(2\)](#) (with arts. 28-31); [S.I. 2010/977](#), art. 1(2)
- F3** S. 50(13)(a)(b) substituted (31.3.2005) for s. 50(13)(a)-(c) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 58(1), 59, 60 {Sch. 10 para. 61} (with Sch. 12 para. 8); [S.I. 2005/579](#), [art. 3\(e\)](#)
- F4** Words in s. 50(14) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#) ss. 40(4), 148, {Sch. 9 para. 82(2)(b)}; [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F5** Words in s. 50(14) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#) ss. 40(4), 148, {Sch. 9 para. 82(2)(b)}; [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F6** Words in s. 50(14) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#) ss. 40(4), 148, {Sch. 9 para. 82(2)(c)}; [S.I. 2009/1604](#), [art. 2\(d\)](#)

Commencement Information

- I1** S. 50 partly in force; s. 50 not in force at Royal Assent, see s. 336(3); s. 50 in force for certain purposes at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by [S.I. 2012/2761 art. 2](#)

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. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)
- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)
- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))

- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)