



# Justice (Northern Ireland) Act 2004

## 2004 CHAPTER 4

### *Bail*

#### **12 Bail to which Part II of the Criminal Justice (Northern Ireland) Order 2003 applies**

- (1) Part II of the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13)) (bail grantable otherwise than under section 67 of the Terrorism Act 2000 (c. 11)) is amended as set out in subsections (2) to (4).
- (2) In Article 4(2) (definition of “surrender to custody”) at the end add “or
  - (c) into the custody of the governor of a prison at the time and place for the time being appointed for him to do so.”
- (3) In Article 5 (offence of absconding by person released on bail) for paragraph (3) substitute—
  - “(3) A person guilty of an offence paragraph (1) or (2) shall be liable—
    - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both;
    - (b) on conviction on indictment, to imprisonment for a term not exceeding 3 years or to a fine or to both.”
- (4) In Article 6 of that Order (arrest for absconding or breaking conditions of bail)—
  - (a) in paragraph (3) for “a duty to surrender to custody” substitute “ a duty to surrender into the custody of a court ”;
  - (b) after paragraph (3) insert—
    - “(3A) If, on an application made by a constable, a justice of the peace is satisfied that—
      - (a) there are reasonable grounds for believing that a person who is liable to arrest under paragraph (3) is to be found on the premises specified in the application; and
      - (b) any of the conditions specified in paragraph (3B) is satisfied,

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*Changes to legislation:* There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004, Section 12. (See end of Document for details)

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he may issue a warrant authorising a constable to enter those premises (if need be by force) and search them for the purpose of arresting that person.

(3B) The conditions mentioned in paragraph (3A) are—

- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises;
- (b) that entry to the premises will not be granted unless a warrant is produced;
- (c) that the purpose of a search of the premises may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.”; and

(c) after paragraph (5) insert—

“(5A) Paragraphs (4) and (5) do not require a person to be brought before a magistrates' court at any time when he is in hospital and is not well enough.”

(5) In Article 29(1) of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) (right to claim trial by jury for summary offence if maximum term of imprisonment exceeds six months, subject to specified exceptions) after subparagraph (g) add—

“(h) Article 5(1) or (2) of the Criminal Justice (Northern Ireland) Order 2003 (absconding by person admitted to bail)”.

(6) Subsection (3) has no effect in relation to offences committed before it comes into force.

**Changes to legislation:**

There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004, Section 12.