



# Justice and Security (Northern Ireland) Act 2007

## 2007 CHAPTER 6

### *Trials on indictment without a jury*

#### **5 Mode of trial on indictment**

- (1) The effect of a certificate issued under section 1 is that the trial on indictment of—
  - (a) the person to whom the certificate relates, and
  - (b) any person committed for trial with that person,is to be conducted without a jury.
- (2) Where a trial is conducted without a jury under this section, the court is to have all the powers, authorities and jurisdiction which the court would have had if the trial had been conducted with a jury (including power to determine any question and to make any finding which would be required to be determined or made by a jury).
- (3) Except where the context otherwise requires, any reference in an enactment (including a provision of Northern Ireland legislation) to a jury, the verdict of a jury or the finding of a jury is to be read, in relation to a trial conducted without a jury under this section, as a reference to the court, the verdict of the court or the finding of the court.
- (4) No inference may be drawn by the court from the fact that the certificate has been issued in relation to the trial.
- (5) Without prejudice to subsection (2), where the court conducting a trial under this section—
  - (a) is not satisfied that a defendant is guilty of an offence for which he is being tried (“the offence charged”), but
  - (b) is satisfied that he is guilty of another offence of which a jury could have found him guilty on a trial for the offence charged,the court may convict him of the other offence.
- (6) Where a trial is conducted without a jury under this section and the court convicts a defendant (whether or not by virtue of subsection (5)), the court must give a judgment

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*Status: Point in time view as at 01/08/2007. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Justice and Security (Northern Ireland) Act 2007, Section 5. (See end of Document for details)*

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which states the reasons for the conviction at, or as soon as reasonably practicable after, the time of the conviction.

- (7) A person convicted of an offence on a trial under this section may, notwithstanding anything in sections 1 and 10(1) of the Criminal Appeal (Northern Ireland) Act 1980 (c. 47), appeal to the Court of Appeal under Part 1 of that Act—
- (a) against his conviction, on any ground, without the leave of the Court of Appeal or a certificate of the judge of the court of trial;
  - (b) against sentence passed on conviction, without that leave, unless the sentence is fixed by law.
- (8) Where a person is convicted of an offence on a trial under this section, the time for giving notice of appeal under section 16(1) of that Act is to run from the date of judgment (if later than the date from which it would run under that subsection).
- (9) Article 16(4) of the Criminal Justice (Northern Ireland) Order 2004 (S.I. 2004/1500 (N.I. 9)) (leave of judge or Court of Appeal required for prosecution appeal under Part IV of that Order) does not apply in relation to a trial conducted under this section.

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**Modifications etc. (not altering text)**

- C1 Ss. 1-8 (and Schedule 1) shall expire on 1.8.2009 by virtue of {s. 9(1)} of this Act; [S.I. 2007/2045](#), [art. 2\(3\)\(a\)](#)

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