Criminal Justice Act (Northern Ireland) 1945

1945 CHAPTER 15

PART I

JURISDICTION AND PROCEDURE

Ss.1#6 rep. by SLR (NI) 1952; SLR (NI) 1953; 1964 c.21 (NI); 1967 c.18 (NI)

VENUE

7 Venue in indictable offences.

[F1](1) A person charged with the commission in Northern Ireland of any indictable offence [[F2] or with the commission of an indictable offence cognisable under the law of Northern Ireland] may be proceeded against, indicted, tried and punished in any …[F3] place in which he was apprehended, or is in custody on a charge for the offence or has appeared in answer to a summons lawfully issued charging the offence, as if the offence had been committed in that …[F3] place, and the offence shall, for all purposes incidental to or consequential on the prosecution, trial or punishment thereof, be deemed to have been committed in that …[F3] place:

Proviso rep. by 1978 c.23

Subs.(2) rep. by 1978 c.23

(3) Nothing in this section shall affect the laws relating to the government of His Majesty's naval, military or air forces.

F1 1967 c.18 (NI); 1964 c.21 (NI)
F2 1967 c.18 (NI)

F3 1978 c.23

S.8 rep. by 1964 c.21 (NI)

CASES STATED

S.9 rep. by 1964 c.3 (NI)

S.10 rep. by 1964 c.21 (NI)

11 Suspension of sentence on appeal by case stated.

Where a person who has been sentenced to imprisonment appeals by case stated …[F4] under Part VII[F5] of the Act of 1935, the time during which, in consequence of such appeal, he is not detained in custody shall not, unless the Court for whose opinion such a case is stated (in this section referred to as "the Superior Court") otherwise direct, count as part of any term of imprisonment to which he has been sentenced and any such term shall, unless the Superior Court otherwise direct, be deemed to be resumed or begin to run, as the case requires, as from the day on which he is received into prison under the sentence after the determination by the Superior Court of the question or questions raised by the case stated.

F4 1964 c.21 (NI)
F5 1964 c.3 (NI)

Ss.12#17 rep. by SLR (NI) 1952; 1953 c.18 (NI); 1964 c.21 (NI)

PROCEDURE

[F6]18 Procedure on charge.

Subs.(1)(2) rep. by 1964 c.21 (NI)

(3) Where[F7] [[F8] an indictment has been presented] against a corporation in respect of any offence, the corporation may, on arraignment before the court, enter in writing by its representative a plea of guilty or not guilty, and if either the corporation does not appear by a representative or, though it does so appear, fails to enter as aforesaid any plea, the court shall order a plea of not guilty to be entered and the trial shall proceed as though the corporation had duly entered a plea of not guilty.

(4) Any summons or other document to be served on any corporation charged with an indictable offence may be served upon the corporation by leaving it at, or sending it by post to, the registered office of the corporation or, if there be no such office in Northern Ireland, by leaving it at or sending it to the corporation at any place in Northern Ireland at which it trades or conducts its business.

(5) In this section the expression "representative" in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this section authorised

to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation before any court for any other purpose.

A representative for the purposes of this section need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this section shall be admissible without further proof as prima facie evidence that that person has been so appointed.

Subs.(6) rep. by 1964 c.21 (NI)

F6 1974 c.49 (ext. to NI by 1980 c.25); 1979 c.37
F7 continue to am. 2002 c.26
F8 1972 NI 1

Modifications etc. (not altering text)

C1 S. 18 applied (20.1.2007 for specified purposes and 6.4.2007 for further specified purposes and 1.10.2007 for further specified purposes and 6.4.2008 for further specified purposes and 1.10.2008 for further specified purposes and otherwise 1.10.2009) by Companies Act 2006 (c. 46), **ss. 1130(2)(b)(iii)**, 1300(2) (with s. 1133); S.I. 2006/3428, **art. 3(2)(b)** (with transitional provisions and savings in art. 8, Sch. 5); S.I. 2007/1093, **art. 2(2)(c)** (with art. 11); S.I. 2007/2194, **arts. 2(1)(l)**, **2(3)(h)** (with art. 12); S.I. 2007/3495, **arts. 3(3)(g)**, **5(3)(a)** (with arts. 7, 12); S.I. 2008/2860, **art. 3(s)** (with arts. 5, 7, 8, Sch. 2)

C2 S. 18 applied (6.4.2008) by Companies Act 2006 (c. 46), **ss. 1257(4)**, 1300(2); S.I. 2007/3495, **art. 3(1)(u)** (with arts. 7, 9, 12Sch. 4 paras. 37-42)

C3 S. 18 applied (30.4.2007) by Smoking (Northern Ireland) Order 2006 (S.I. 2006/2957 (N.I. 20)), **art. 13(8)(a)** (with art. 16); S.R. 2007/118, **art. 2**

C4 S. 18 applied (6.4.2008) by Serious Crime Act 2007 (c. 27), **ss. 31(6)(b)(iii)**, 94(1); S.I. 2008/755, **art. 15(1)(f)**

C5 S. 18 applied (6.4.2008) by Serious Crime Act 2007 (c. 27), **ss. 32(5)(b)(iii)**, 94(1); S.I. 2008/755, **art. 15(1)(f)**

C6 S. 18 applied (15.12.2007) by Money Laundering Regulations 2007 (S.I. 2007/2157), **reg. 47(8)(c)**

C7 S. 18 applied (15.12.2007) by Transfer of Funds (Information on the Payer) Regulations 2007 (S.I. 2007/3298), **reg. 16(8)(c)**

C8 S. 18 applied (27.11.2008) by Counter-Terrorism Act 2008 (c. 28), ss. 62, 100(2), **Sch. 7 para. 37(2)(c)** (with s. 101(2), Sch. 7 para. 43)

C9 S. 18 applied (E.W.S.) (9.3.2009) by Ozone-Depleting Substances (Qualifications) Regulations 2009 (S.I. 2009/216), **reg. 10(6)(b)(iii)**

C10 S. 18 applied (9.3.2009) by Fluorinated Greenhouse Gases Regulations 2009 (S.I. 2009/261), regs. 1(1)(b)(3)(5), **52(6)(b)(iii)**

C11 S. 18 applied (27.4.2009) by Organic Products Regulations 2009 (S.I. 2009/842), **reg. 28(4)(c)**

C12 S. 18 applied (1.5.2009) by Payment Services Regulations 2009 (S.I. 2009/209), regs. 1(2)(b)(xiii), **118(4)(c)**

C13 S. 18 applied (1.1.2010) by Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009 (S.I. 2009/3263), **reg. 12(2)(b)(iii)**

C14 S. 18 applied (8.3.2010) by Mercury Export and Data (Enforcement) Regulations 2010 (S.I. 2010/265), regs. 2, **7(7)(b)(iii)**

C15 S. 18 applied (31.3.2010) by Horse Passports Regulations (Northern Ireland) 2010 (S.R. 2010/40), **reg. 22(2)(b)**

C16 S. 18 applied (6.4.2010) by Detergents Regulations 2010 (S.I. 2010/740), **reg. 24(2)(b)(iii)**

C17 S. 18 applied (25.6.2010) by Marketing of Fresh Horticulture Produce Regulations (Northern Ireland) 2010 (S.R. 2010/198), **reg. 21(7)(b)**

C18 S. 18 applied (17.9.2010 with application as mentioned in reg. 3 of the amending Regulations) by Marketing of Fruit Plant Material Regulations 2010 (S.I. 2010/2079), **reg. 22(4)**

C19 S. 18 applied (1.7.2011) by Bribery Act 2010 (c. 23), **ss. 15(2)(b)(ii)**, 19(1) (with ss. 16, 19(5)); S.I. 2011/1418, **art. 2**

C20 S. 18 applied (with modifications) (30.12.2011) by Wine Regulations 2011 (S.I. 2011/2936), **reg. 16(2)(d)** (with reg. 3(9))

C21 S. 18 applied (1.2.2007 for W. for specified purposes, 2.4.2007 for W. for specified purposes, 1.7.2007 for E. for specified purposes, 22.4.2008 for E.W.S. for specified purposes, 13.12.2008 for W. for specified purposes, 1.8.2012 for N.I. for specified purposes) by Health Act 2006 (c. 28), **ss. 77(4)(c)**, 83(4)(a)(6)(b)(7); S.I. 2007/204, arts. 2(c), 3(c); S.I. 2007/1375, art. 2(b); S.I. 2008/1147, art. 3(b)(c); S.I. 2008/3171, art. 2(b); S.R. 2012/307, art. 2(b)

C22 S. 18 applied (3.3.2013) by The Timber and Timber Products (Placing on the Market) Regulations 2013 (S.I. 2013/233), regs. 1(2), **6(2)(b)(ii)**

C23 S. 18 applied (31.8.2013) by The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations (Northern Ireland) 2013 (S.R. 2013/208), regs. 1, **49(4)** (with Sch. 1)

C24 S. 18 applied (with modifications) (1.3.2014) by The Olive Oil (Marketing Standards) Regulations 2014 (S.I. 2014/195), regs. 1, **15(2)(d)**

C25 S. 18 applied (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 10 para. 8(3)(b)**; S.I. 2014/251, art. 4

C26 S. 18 applied (12.12.2014) by The Immigration Act 2014 (Bank Accounts) Regulations 2014 (S.I. 2014/3085), regs. 1, **23(4)(c)**

C27 S. 18 applied (1.1.2015) by The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014 (S.I. 2014/3263), regs. 1(1), **26(2)(b)(ii)**

C28 S. 18 applied (7.3.2015) by The Ozone-Depleting Substances Regulations 2015 (S.I. 2015/168), regs. 1(2), **11(8)(b)(iii)** (with reg. 12(7))

C29 S. 18 applied (19.3.2015) by The Fluorinated Greenhouse Gases Regulations 2015 (S.I. 2015/310), regs. 1(1)(b), **30(6)(b)(iii)**

C30 S. 18 applied (13.4.2015) by The Electricity and Gas (Market Integrity and Transparency) (Criminal Sanctions) Regulations 2015 (S.I. 2015/979), regs. 1, **8(2)(c)**

C31 S. 18 applied (5.10.2015) by The Rural Development Programme Regulations (Northern Ireland) 2015 (S.R. 2015/326), regs. 1, **20(2)(b)**

C32 S. 18 applied (12.10.2015) by The Nagoya Protocol (Compliance) Regulations 2015 (S.I. 2015/821), regs. 1(3), **15(2)(b)(ii)** (with regs. 1(5), 12)

C33 S. 18 applied (with modifications) (16.11.2015) by The Single Common Market Organisation (Emergency Aid for Milk Producers) Regulations 2015 (S.I. 2015/1896), regs. 1(2), **13(2)(d)**

C34 S. 18 applied (1.1.2016) by The Small and Medium Sized Business (Credit Information) Regulations 2015 (S.I. 2015/1945), regs. 1(2), **38(4)(c)**

C35 S. 18 applied (1.1.2016) by The Small and Medium Sized Business (Finance Platforms) Regulations 2015 (S.I. 2015/1946), regs. 1(2), **35(4)(c)**

19 Fiats and consents of Attorney General to be admissible in evidence.

F9 . . . . . .

F9 S. 19 repealed (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 86, 87, Sch. 13; S.R. 2010/113, **art. 2**, Sch. paras. 18, 21(a)

S.20 rep. by 1964 c.21 (NI)

21 Amendment as to summary proceedings under the Towns Improvement (Ireland) Act, 1854.

Notwithstanding anything contained in section ninety-two of the Towns Improvement (Ireland) Act, 1854 , proceedings for the recovery of any penalty which under the provisions of that Act may be recovered summarily may be taken by a police officer or constable without the consent of the Attorney General for Northern Ireland.

S.22 substitutes s.4(1) of 1889 c.69 and s.2(1) of 1906 c.34

S.23 rep. by 1964 c.21 (NI)

Status:
Point in time view as at 01/01/2016.

Changes to legislation:
There are currently no known outstanding effects for the Criminal Justice Act (Northern Ireland) 1945, PART I.