



# Grand Jury (Abolition) Act (Northern Ireland) 1969

## 1969 CHAPTER 15

### 2 Presentment of indictments.

- (1) Subject to the succeeding provisions of this section, an indictment may, notwithstanding anything to the contrary in any enactment or rule of law, be presented to [<sup>F1</sup> the Crown Court] although not found by a grand jury.
- (2) An indictment shall not be presented against a person charging him with an indictable offence unless either—
  - (a) he has been committed for trial for that offence; or
  - [<sup>F2</sup>(aa) the offence is specified in a notice of transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (serious and complex fraud); or]
  - [<sup>F3</sup>(ab) the offence is specified in a notice of transfer under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 (certain cases involving children); or]
  - (b) the indictment or the count charging the offence is one to which subsection (5) applies; or
  - (c) the indictment is presented by the direction of the [<sup>F1</sup> Court of Appeal]; or
  - (d) the indictment is presented pursuant to an order made under [<sup>F4</sup> Article 13 of the Perjury (Northern Ireland) Order 1979 ]; or
  - (e) the indictment is presented with the leave of a Judge of the [<sup>F1</sup> High Court, Court of Appeal or Crown Court] granted upon application made to him in that behalf;<sup>F5</sup> or
  - <sup>F5</sup>(f) the indictment is presented by, or upon the direction of, the Attorney-General, and, in the case of an indictment presented by virtue of paragraph ( e)<sup>F5</sup> or paragraph ( f),—
    - (i) statements of the witnesses intended to be examined on behalf of the prosecution have been lodged, together with the indictment, in the office of the [<sup>F6</sup> chief clerk]; and

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*Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.*

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- (ii) copies of such statements and of the indictment have been served on the person against whom the indictment is presented,  
at least eight days before the opening of the court at which the indictment is presented,  
...<sup>F7</sup>.
- (3) The Judge presiding at [<sup>F1</sup> the Crown Court] shall, in addition to any other powers exercisable by him, have power to order an entry of “No Bill” in the Crown book in respect of any indictment presented to that court after the commencement of this Act if he is satisfied that the depositions or, as the case may be, the statements mentioned in subsection (2)(i), do not disclose a case sufficient to justify putting upon trial for an indictable offence the person against whom the indictment is presented.
- (4) Where an entry of “No Bill” is ordered under subsection (3), the entry shall be made before the person against whom the indictment is presented is required to plead to the indictment and upon the making of such entry that person shall be discharged without further answer being required of him by the court but such discharge shall not prevent or prejudice any other indictment (whether or not founded on the same facts or evidence) being presented against him at any other court thereafter held which has jurisdiction to try the offence or offences charged in that other indictment.
- (5) Where the person against whom an indictment is presented has been committed for trial for an indictable offence the indictment or any count in the indictment may charge any other indictable offence which is founded on facts or evidence disclosed in examinations or depositions taken in his presence before the magistrates' court which committed him for trial, but the Judge presiding at the court before which the indictment is presented may if he thinks it just to do so, disallow or quash any indictment or count presented by virtue of this subsection.
- [<sup>F2</sup>(5A) In a case to which subsection (2)(aa)[<sup>F3</sup> or (ab)] applies, the indictment may include, either in substitution for or in addition to any count charging an offence specified in the notice of transfer, any counts founded on material that accompanied the copy of that notice which, in pursuance of [<sup>F3</sup> regulations under the relevant provision], was given to the person charged, being counts which may lawfully be joined in the same indictment.]
- [<sup>F3</sup>(5B) In subsection (5A) “the relevant provision” means Article 4(7) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 in a case to which subsection (2)(aa) applies, and paragraph 3 of Schedule 1 to the Children's Evidence (Northern Ireland) Order 1995 in a case to which subsection (2)(ab) applies.]
- (6) Nothing in subsection (5) shall be deemed to authorise the joinder in an indictment of any counts which could not, if that subsection had not been passed, be lawfully joined in that indictment.
- Subs.(7) rep. by 1978 c.23*
- (8) Except as provided by this section, an indictment presented in accordance with the provisions of this Act shall be proceeded with in the same manner as it would have been proceeded with before the commencement of this Act and (without prejudice to any other provision of this Act) all enactments and rules of law relating to procedure in connection with indictable offences shall have effect subject to such modifications as are necessary to give effect to the provisions of this section.
- (9) For the purposes of this section statements in writing admitted in evidence under [<sup>F8</sup> Article 33(1) of the Magistrates' Courts (Northern Ireland) Order 1981] shall be treated

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as depositions taken in the presence of the accused before the magistrates' court which committed him for trial.

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| <b>F1</b> | <a href="#">1978 c.23</a>                |
| <b>F2</b> | 1988 NI 16                               |
| <b>F3</b> | 1995 NI 3                                |
| <b>F4</b> | 1979 NI 19                               |
| <b>F5</b> | prosp. rep. by <a href="#">2002 c.26</a> |
| <b>F6</b> | SR 1979/103                              |
| <b>F7</b> | <a href="#">1978 c.23</a>                |
| <b>F8</b> | 1981 NI 26                               |

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