



## 2015 CHAPTER 9

### PART 9

#### MISCELLANEOUS

##### *Public Prosecutor's summons*

##### **Public Prosecutor's summons**

**93.—(1)** Where a complaint has been made by a Public Prosecutor to a lay magistrate for any county court division that a person has, or is suspected of having, committed a summary offence in respect of which a magistrates' court for that county court division has jurisdiction to hear a charge, the Public Prosecutor may issue a summons directed to that person requiring that person to appear before that court to answer to the complaint.

(2) Where—

- (a) a Public Prosecutor issues a summons under subsection (1) directed to a person requiring that person to appear before a magistrates' court for a county court division, and
- (b) a complaint has been made to a lay magistrate that the person in respect of whom the summons has been issued has, or is suspected of having, committed a summary offence in another county court division,

the Public Prosecutor may issue a summons directed to that person requiring that person to appear before that court to answer to the complaint.

(3) Where a Public Prosecutor has made a complaint to a lay magistrate for any county court division that a person has, or is suspected of having, committed an indictable offence into which a magistrates' court for that county court division has jurisdiction to conduct a preliminary investigation or a preliminary

inquiry the Public Prosecutor may issue a summons requiring that person to appear before that magistrates' court.

(4) Where a Public Prosecutor is satisfied that a summons issued under subsection (1) has not been served, the Public Prosecutor may, without a complaint being made to a lay magistrate, re-issue the summons extending the time for the appearance of the person summoned.

(5) Any existing statutory provision which applies to a complaint made or summons issued under paragraph (1), (2), (3) or (4A) of Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981 shall apply (with appropriate modifications) to a complaint made or summons issued by a Public Prosecutor under the corresponding subsection of this section.

(6) In this section "Public Prosecutor" has the meaning given in section 29(5) of the Justice (Northern Ireland) Act 2002.