



2015 CHAPTER 9

PART 2

COMMITTAL FOR TRIAL

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DIRECT COMMITTAL FOR TRIAL IN CERTAIN CASES

Application of this Chapter

Application of this Chapter

9.—(1) Subject to subsection (3), this Chapter applies where a person (“the accused”) appears or is brought before a magistrates’ court charged with an offence and either of the conditions mentioned in subsection (2) is satisfied.

(2) Those conditions are—

(a) that the offence is an offence triable only on indictment; or

(b) that the offence is a summary offence and—

(i) the accused claims, in accordance with Article 29 of the Magistrates’ Courts (Northern Ireland) Order 1981 or any other statutory provision, to be tried on indictment;

(ii) the prosecutor exercises any right conferred by any statutory provision to claim that the accused is to be tried on indictment; or

(iii) it is otherwise determined that the accused is to be tried on indictment.

(3) But this Chapter does not apply where—

- (a) notice has been given in relation to the offence under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or Article 4 of the Children’s Evidence (Northern Ireland) Order 1995;
 - (b) in the case of an adult, the court is to deal summarily with the offence under Article 45 of the Magistrates’ Courts (Northern Ireland) Order 1981;
 - (c) in the case of a child, the court is to deal summarily with the offence under Article 17 of the Criminal Justice (Children) (Northern Ireland) Order 1998.
- (4) In this section “summary offence” has the meaning given by Article 2(2) of the Magistrates’ Courts (Northern Ireland) Order 1981.