



2015 CHAPTER 9

PART 2

COMMITTAL FOR TRIAL

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DIRECT COMMITTAL FOR TRIAL IN CERTAIN CASES

Direct committal for trial: procedures

Restrictions on reporting applications for dismissal

15.—(1) Except as provided by this section—

- (a) no written report of an application under section 14(1) shall be published in Northern Ireland;
- (b) no report of such an application shall be included in a relevant programme for reception in Northern Ireland.

(2) The judge dealing with an application under section 14(1) may order that subsection (1) shall not apply, or shall not apply to a specified extent, to a report of the application.

(3) Where an accused objects to the making of an order under subsection (2), the judge shall make the order if (and only if) satisfied after hearing the representations of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.

(4) Subsection (1) does not apply where the application is successful.

(5) Where—

(a) two or more persons are jointly charged, and
(b) applications under section 14(1) are made by more than one of them,
subsection (4) shall have effect as if for the words “the application is” there were substituted “all the applications are”.

(6) Subsection (1) does not apply to—

- (a) the publication of a report of an unsuccessful application made under section 14(1),
- (b) the inclusion in a relevant programme of a report of an unsuccessful application made under section 14(1),

at the conclusion of the trial of the accused or of the last of the accused to be tried.

(7) Subsection (1) does not apply to a report which contains only one or more of the following matters—

- (a) the identity of the court and the name of the judge;
- (b) the names, ages, home addresses and occupations of the accused and witnesses;
- (c) the offence or offences, or a summary of them, with which the accused is or are charged;
- (d) the names of counsel and solicitors in the proceedings;
- (e) where the proceedings are adjourned, the date and place to which they are adjourned;
- (f) any arrangements as to bail;
- (g) whether legal aid was granted to the accused or any of the accused.

(8) The addresses that may be published or included in a relevant programme under subsection (7) are addresses—

- (a) at any relevant time, and
- (b) at the time of their publication or inclusion in a relevant programme;

and “relevant time” here means a time when events giving rise to the charges to which the proceedings relate occurred.

(9) Nothing in this section affects any prohibition or restriction imposed by virtue of any other statutory provision on a publication or on matter included in a programme.

(10) If a report is published or included in a relevant programme in contravention of this section each of the following persons is guilty of an offence—

- (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;

- (b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;
- (c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.

(11) A person guilty of an offence under this section is liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

(12) Proceedings for an offence under this section shall not be instituted otherwise than by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(13) In this section—

- (a) “publish”, in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;
- (b) “relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990.