



2015 CHAPTER 9

PART 2

COMMITTAL FOR TRIAL

CHAPTER 1

RESTRICTION ON HOLDING OF PRELIMINARY
INVESTIGATIONS AND MIXED COMMITTALS

Mixed committals: evidence on oath at preliminary inquiry

8.—(1) Article 34 of the Magistrates’ Courts (Northern Ireland) Order 1981 (giving of evidence on oath at preliminary inquiry) is amended as follows.

(2) After paragraph (1) insert—

“(1A) The prosecution or the accused may apply to the court for leave to require a person to attend and give evidence on oath in accordance with paragraph (2).

(1B) Magistrates’ court rules may make provision in relation to an application under paragraph (1A), including provision—

- (a) for an application to set out the grounds on which the application is made and contain such other information as may be prescribed;
- (b) requiring an application to be made before a prescribed time;
- (c) for the procedure to be followed in determining the application (including provision for representations to be made to the court by the prosecution or the accused).

(1C) The court, after considering the application and any representations made to the court, may give leave to the applicant if (and only if) the court is satisfied that the interests of justice require it.

(1D) In determining an application under paragraph (1A) the court shall in particular have regard to—

- (a) the nature of the offence or offences charged;
- (b) the interests of the persons likely to be required to give evidence at the preliminary inquiry.

(1E) Where leave is granted to one party under paragraph (1C), the court may (without any application) grant leave to the other party to require a person to attend and give evidence on oath in accordance with paragraph (2).”.

(3) In paragraph (2) for the words from the beginning to “may each require” substitute “The court (of its own motion), the prosecution (if granted leave under paragraph (1C) or (1E)) and the accused (if granted such leave) may each require”.