

Status: This version of this provision is prospective.

Changes to legislation: Justice Act (Northern Ireland) 2015, Section 9 is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



2015 CHAPTER 9

PART 2

COMMITTAL FOR TRIAL

CHAPTER 2

DIRECT COMMITTAL FOR TRIAL IN CERTAIN CASES

Application of this Chapter

PROSPECTIVE

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 [^{F1}one] 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

[^{F2}(aa) that the offence is an indictable offence to which Article 45 of the Magistrates' Courts (Northern Ireland) Order 1981 or Article 17 of the Criminal Justice (Children) (Northern Ireland) Order 1998 applies; 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;

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- (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.

Textual Amendments

- F1** Word in s. 9(1) substituted (13.5.2016) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\), ss. 57\(2\), 61\(1\)](#)
- F2** S. 9(2)(aa) inserted (13.5.2016) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\), ss. 57\(3\), 61\(1\)](#)

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Changes and effects yet to be applied to :

- s. 9 substituted by [2022 c. 4 \(N.I.\) s. 4\(2\)](#)
- s. 9 substituted by [2022 c. 4 \(N.I.\) s. 4\(2\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(2A) substituted for s. 13(2) by [2022 c. 4 \(N.I.\) s. 4\(5\)](#)
- s. 13(4)(5) added by [2022 c. 4 \(N.I.\) s. 4\(6\)](#)
- s. 13A inserted by [2022 c. 4 \(N.I.\) s. 4\(7\)](#)
- s. 13A inserted by [2022 c. 4 \(N.I.\) s. 4\(7\)](#)
- Sch. 2 para. 8(1) Sch. 2 para. 8 renumbered as Sch. 2 para. 8(1) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(i\)](#)
- Sch. 2 para. 8(2) inserted by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(iii\)](#)
- Sch. 2 para. 8(1) words substituted by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(ii\)](#)