
STATUTORY INSTRUMENTS

1980 No. 704 (N.I. 6)

NORTHERN IRELAND

The Criminal Justice (Northern Ireland) Order 1980

Laid before Parliament in draft

Made 21st May 1980

Coming into Operation 22nd June 1980

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At the Court at Buckingham Palace, the 21st day of May 1980

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Criminal Justice (Northern Ireland) Order 1980.

(2) This Order shall come into operation on the expiration of one month from the day on which it is made.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

Compensation orders

Compensation orders against convicted persons

3.—(1) Subject to the provisions of this Article, a court by or before which a person is convicted of an offence, in addition to dealing with him in any other way, may on application or otherwise, make an order (in this Order referred to as "a compensation order") requiring him to pay compensation for any personal injury, loss or damage resulting from that offence or any other offence which is taken into consideration by the court in determining sentence.

(2) In the case of an offence under the Theft Act (Northern Ireland) 1969 (c) or section 148 of the Road Traffic Act (Northern Ireland) 1970 (d), where the property in question is recovered, any damage to the property occurring while it was out of the owner's possession shall be treated for the purposes of paragraph (1) as having resulted from the offence, however and by whomsoever the damage was caused.

(3) No compensation order shall be made in respect of loss suffered by the dependants of a person in consequence of his death, and no such order shall be made in respect of injury, loss or damage due to an accident arising out of the presence of a motor vehicle on a road or other public place, except such damage as is treated by paragraph (2) as resulting from an offence under section 148 of the Road Traffic Act (Northern Ireland) 1970.

(4) In determining whether to make a compensation order against any person and in determining the amount to be paid by any person under such an order, the court shall have regard to his means so far as they appear or are known to the court.

(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).
(d) 1970 c. 2 (N.I.).

(c) 1969 c. 16 (N.I.).

(5) The compensation to be paid under a compensation order made by a magistrates' court in respect of any offence of which the court has convicted the offender shall not exceed £1,000; and the compensation or total compensation to be paid under a compensation order or compensation orders made by a magistrates' court in respect of any offence or offences taken into consideration in determining sentence shall not exceed the difference (if any) between the amount or total amount which under this paragraph is the maximum for the offence or offences of which the offender has been convicted and the amount or total amounts (if any) which are in fact ordered to be paid in respect of that offence or those offences.

(6) A compensation order shall be enforceable—

- (a) if made by a magistrates' court, in the same manner as any other sum adjudged to be paid by a conviction of that court;
- (b) if made by any other court, in the same manner as any fine which has been or might have been imposed, in respect of the offence for which the person has been convicted, by the court making the order.

Appeals in the case of compensation orders

4.—(1) A compensation order made on conviction on indictment shall be treated for the purposes of sections 31 and 45 (1) and (2) of the Criminal Appeal (Northern Ireland) Act 1968 (a) (effect of appeals on orders for the restitution of property) as an order for the restitution of property; and where by reason of the quashing by the Court of Appeal of a person's conviction any such order does not take effect, and on an appeal to the House of Lords the conviction is restored by that House, the House may make any compensation order which could be made on his conviction by the court which convicted him.

(2) Where a compensation order has been made against any person in respect of an offence taken into consideration in determining his sentence—

- (a) the order shall cease to have effect if he successfully appeals against his conviction of the offence or, if more than one, all the offences, of which he was convicted in the proceedings in which the order was made;
- (b) he may appeal against the order as if it were part of the sentence imposed in respect of the offence or, if more than one, any of the offences, of which he was so convicted.

Effect of compensation order on subsequent award of damages in civil proceedings

5.—(1) This Article shall have effect where a compensation order has been made in favour of any person in respect of any injury, loss or damage and a claim by him in civil proceedings for damages in respect thereof subsequently falls to be determined.

(2) The damages in the civil proceedings shall be assessed without regard to the order; but where the whole or part of the amount awarded by the order has been paid, the damages awarded in the civil proceedings shall not exceed the amount (if any) by which, as so assessed, they exceed the amount paid under the order.

(3) Where the whole or part of the amount awarded by the order remains unpaid and the court awards damages in the civil proceedings, then unless the person against whom the order was made had ceased to be liable to pay the amount unpaid (whether in consequence of an appeal, of his imprisonment for

(a) 1968 c. 21.

default or otherwise), the court shall direct that the judgment—

(a) if it is for an amount not exceeding the amount unpaid under the order, shall not be enforced; or

(b) if it is for an amount exceeding the amount unpaid under the order, shall not be enforced as to a corresponding amount;

without the leave of the court.

Restitution orders

Restitution orders

6.—(1) The following provisions of this Article shall have effect with respect to section 27 of the Theft Act (Northern Ireland) 1969 (which enables orders for restitution and certain other orders to be made in relation to stolen property).

(2) The powers conferred by—

(a) subsection (1) (c) of the said section 27 (payment to owner of stolen goods out of money taken from the offender on his apprehension); and

(b) subsection (3) of that section (payment to purchaser of, and lender on the security of, stolen goods out of money so taken),

shall be exercisable without any application being made in that behalf or on the application of any person appearing to the court to be interested in the property concerned.

(3) The powers conferred by the said section 27 shall be exercisable not only where a person is convicted of an offence with reference to the theft of the goods in question but also where, on the conviction of a person of any other offence, the court takes an offence with reference to the theft of those goods into consideration in determining sentence.

(4) Where an order is made under the said section 27 against any person in respect of an offence taken into consideration in determining his sentence—

(a) the order shall cease to have effect if he successfully appeals against his conviction of the offence or, if more than one, all the offences, of which he was convicted in the proceedings in which the order was made;

(b) he may appeal against the order as if it were part of the sentence imposed in respect of the offence or, if more than one, any of the offences, of which he was so convicted.

(5) Any order under the said section 27 made by a court of summary jurisdiction shall be suspended—

(a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against a decision of a court of summary jurisdiction;

(b) where notice of appeal is given within the period so prescribed, until the determination of the appeal;

but this paragraph shall not apply where the order is made under section 27 (1) (a) or (b) and the court so directs, being of the opinion that the title to the goods to be restored or, as the case may be, delivered or transferred under the order is not in dispute.

Miscellaneous and supplementary

Power to deprive offender of property used, or intended for use, for purposes of crime

7.—(1) Where a person is convicted of an offence punishable on indictment with imprisonment for a term of two years or more and the court by or before

which he is convicted is satisfied that any property which was in his possession or under his control at the time of his apprehension—

(a) has been used for the purpose of committing, or facilitating the commission of, any offence; or

(b) was intended by him to be used for that purpose;

the court may make an order under this Article in respect of that property.

(2) Facilitating the commission of an offence shall be taken for the purposes of this Article and Article 8 to include the taking of any steps after it has been committed for the purpose of disposing of any property to which it relates or of avoiding apprehension or detection, and references in this or that Article to an offence punishable with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under any statutory provision on the imprisonment of young offenders.

(3) An order under this Article shall operate to deprive the offender of his rights, if any, in the property to which it relates, and the property shall (if not already in their possession) be taken into the possession of the police.

(4) The Police (Property) Act 1897 (a) shall apply, with the following modifications, to property which is in the possession of the police by virtue of this Article—

(a) no application shall be made under section 1 (1) of that Act by any claimant of the property after the expiration of six months from the date on which the order in respect of the property was made under this Article; and

(b) no such application shall succeed unless the claimant satisfies the court either that he had not consented to the offender having possession of the property or that he did not know, and had no reason to suspect, that the property was likely to be used for the purpose mentioned in paragraph (1).

(5) In relation to property which is in the possession of the police by virtue of this Article, regulations under section 2 (1) of the Police (Property) Act 1897 (disposal of property in cases where the owner of the property has not been ascertained and no order of a competent court has been made with respect thereto) may make provision for disposal in cases where no application by a claimant of the property has been made within the period specified in paragraph (4) (a) or no such application has succeeded.

Driving disqualification where vehicle used for purposes of crime

8.—(1) This Article applies where a person is convicted of an offence punishable on indictment with imprisonment for a term of two years or more.

(2) If in a case to which this Article applies a court is satisfied that a motor vehicle was used (by the person convicted or by anyone else) for the purpose of committing, or facilitating the commission of, the offence in question the court may order the person convicted to be disqualified, for such period as the court thinks fit, for holding or obtaining a driving licence or a provisional licence granted under Part I of the Road Traffic Act (Northern Ireland) 1970 (b) so, however, that section 170 (1) of that Act shall not have effect so as to require particulars of the conviction and disqualification to be endorsed on any such licence held by that person.

(a) 1897 c. 30.

(b) 1970 c. 2 (N.I.).

(3) A court which makes an order under this Article disqualifying a person for holding or obtaining any such licence as is mentioned in paragraph (2) shall require him to produce to the court any such licence held by him within five days or such longer time as the court may determine; and—

- (a) if the licence is not produced within such time, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100;
- (b) if he applies under section 167 of that Act for the disqualification to be removed and the court so orders, subsection (9) of that section shall not have effect so as to require particulars of the order to be endorsed on the licence, but the court shall send notice of the order to the Department of the Environment.

Inciting girl under sixteen to have incestuous sexual intercourse

9.—(1) It is an offence for a man to incite to have sexual intercourse with him a girl under the age of sixteen whom he knows to be his grand-daughter, daughter or sister.

(2) In paragraph (1) “man” includes boy, “sister” includes half-sister, and for the purposes of that paragraph any expression importing a relationship between two people shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock.

(3) A person guilty of an offence under this Article shall be liable—

- (a) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £1,000 or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years.

Penalty on persons found drunk

10.—(1) A person who is drunk in any road or other public place, whether a building or not, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20, and if he is incapable of taking care of himself he may be arrested by a constable and detained until he is capable of doing so.

(2) A person who is drunk while in charge, in any road or other public place, of any horse or cattle shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding two months or both.

(3) Any person who is drunk when in possession of any loaded firearm shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding six months or both.

(4) A constable may arrest without warrant any person who is or whom he with reasonable cause suspects to be in the act of committing an offence under paragraph (2) or (3).

Medical practitioners for post-mortem examinations

11.—(1) The Secretary of State may—

- (a) employ registered medical practitioners, or
- (b) enter into arrangements with a registered medical practitioner, other than a practitioner employed under sub-paragraph (a), for the provision of that practitioner’s services,

to conduct post-mortem examinations or analyses in connection with any death which may be the subject of an inquest held by a coroner.

(2) The Secretary of State may pay—

- (a) to a registered medical practitioner employed under paragraph (1) (a), such remuneration and pensions,
- (b) to a registered medical practitioner whose services are provided under an arrangement under paragraph (1) (b), such fees or allowances,
- (c) to any person assisting at, or rendering assistance in connection with, post-mortem examinations, such fees or allowances,

as, with the consent of the Minister for the Civil Service, he may determine.

(3) The Secretary of State may by rules regulate the practice and procedure to be adopted by registered medical practitioners and others in connection with post-mortem examinations or analyses which are conducted in connection with any death which may be the subject of an inquest held by a coroner and, without prejudice to the generality of this provision, may provide for the manner in which such examinations and analyses are to be conducted and for the preparation of reports upon such examinations and analyses.

(4) Rules made under paragraph (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (a) shall apply accordingly.

Amendments

12.—(1) The Magistrates' Courts Act (Northern Ireland) 1964 (b) shall have effect subject to the amendments specified in Part I of Schedule 1.

(2) The other statutory provisions specified in Part II of Schedule 1 shall have effect subject to the amendments specified in that Part.

Repeals

13. The statutory provisions specified in Schedule 2 (which include certain provisions already spent or otherwise unnecessary) are hereby repealed to the extent shown in column 3 of that Schedule.

N. E. LEIGH,
Clerk of the Privy Council.

(a) 1946 c. 36.

(b) 1964 c. 21 (N.I.).

SCHEDULES

Article 12.

SCHEDULE 1

AMENDMENTS

PART I

AMENDMENT OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (c. 21).

1. In section 31, after subsection (1) insert—

“(1A) A magistrates' court for a county court division having jurisdiction to hear a complaint charging a person with an offence may hear and determine a complaint charging that person with a summary offence committed in any other county court division.”.

2. For section 34 substitute—

“Time within which complaint charging offence must be made to give jurisdiction.

34.—(1) Where no period of limitation is provided for by any other enactment—

(a) a magistrates' court shall not have jurisdiction to hear and determine a complaint charging the commission of a summary offence other than an offence which is also triable upon indictment unless the complaint was made within six months from the time when the offence was committed or ceased to continue; and

(b) a complaint charging the commission of an indictable offence may be made to a justice of the peace and dealt with at any time and, accordingly, a resident magistrate may at any time after an indictable offence was alleged to have been committed exercise any jurisdiction conferred on him by sections 52 and 53 or by any other enactment to try that offence summarily.

(2) Subject to subsection (4), a complaint charging the commission of an offence which is both punishable upon summary conviction or triable upon indictment may be made and dealt with at any time and, accordingly, nothing in any other enactment (however framed or worded) which, as regards any offence to which it applies, would but for this section impose a time-limit on the power of a magistrates' court to hear and determine a complaint charging the commission of a summary offence or impose a limitation on the time for taking summary proceedings shall apply in relation to any offence which is both punishable upon summary conviction or triable upon indictment.

(3) Without prejudice to the generality of subsection (2), that subsection includes enactments which impose a time-limit that applies only in certain circumstances (for example where the proceedings are not instituted by or with the consent of the Director of Public Prosecutions for Northern Ireland or some other specified authority).

(4) Where as regards any indictable offence there is imposed by any enactment (however framed or worded and whether falling within subsection (2) or not) a limitation on the time for taking proceedings on indictment for that offence no summary proceedings for that offence shall be taken after the latest time for taking proceedings on indictment.”.

3. In section 35 after subsection (1) insert—

“(1A) Where a justice of the peace for any county court division issues a summons under subsection (1) directed to a person requiring him to appear before a magistrates' court for that county court division, the justice may, upon a complaint being made to him that the person in respect of whom the summons has been issued has, or is suspected of having, committed in another county court

division a summary offence, issue a summons directed to that person requiring him to appear before that court to answer to the complaint.”.

4. In section 37—

(a) in subsection (2) for “is in writing and on oath” substitute “has been substantiated on oath”;

(b) after subsection (2) insert—

“(2A) Subsection (2) shall not apply to an adjournment by reason of the requirements of section 37A (2) (b) or to an adjournment on the occasion of the accused’s conviction in his absence under section 37A (2) except where the accused fails to appear at the time and place appointed for the adjourned hearing.”;

(c) in subsection (4) for “the accused had notice” substitute “reasonable steps have been taken to bring to the attention of the accused notice”.

5. After section 37 insert—

“Plea of guilty in absence of accused.

37A.—(1) Subject to subsection (7), this section shall apply where a summons has been issued requiring a person to appear before a court of summary jurisdiction, other than a juvenile court, to answer to a complaint charging a summary offence, not being—

(a) an offence which is also triable upon indictment; or

(b) an offence for which the accused is liable to be sentenced to be imprisoned for a term exceeding six months,

and the clerk of petty sessions is notified by or on behalf of the complainant that the following documents have been served upon the accused with the summons, that is to say—

(i) a notice containing such statement of the effect of this section as may be prescribed; and

(ii) a concise statement, in the prescribed form of such facts relating to the charge as will be placed before the court by or on behalf of the complainant if the accused pleads guilty without appearing before the court.

(2) Subject to subsections (3) to (5), where the clerk of petty sessions receives a notification in writing purporting to be given by the accused or by a solicitor acting on his behalf that the accused desires to plead guilty without appearing before the court, the clerk shall inform the complainant of the receipt of the notification and if at the time and place appointed for the hearing or adjourned hearing of the complaint the accused does not appear and it is proved to the satisfaction of the court, on oath or by affidavit or in the prescribed manner, that the notice and statement of facts referred to in subsection (1) have been served upon the accused with the summons, then—

(a) subject to this section and section 37C, the court may proceed to hear and dispose of the case in the absence of the accused, whether or not the complainant is also absent, in like manner as if both parties had appeared and the accused had pleaded guilty; or

(b) if the court decides not to proceed as mentioned in paragraph (a), the court shall adjourn or further adjourn the hearing for the purpose of dealing with the complaint as if that notification had not been given.

(3) If at any time before the hearing the clerk of petty sessions receives an intimation in writing purporting to be given by or on behalf of the accused that he wishes to withdraw the notification given under subsection (2), the clerk shall inform the complainant of that withdrawal and the court shall deal with the complaint as if this section had not been passed.

(4) Before accepting the plea of guilty and convicting the accused in his absence under subsection (2), the court shall cause the notification

given under subsection (2) and statement of facts referred to in subsection (1) (ii), including any submission received with that notification which the accused wishes to be brought to the attention of the court with a view to mitigation of sentence, to be read out before the court.

(5) If the court proceeds under subsection (2) (a) to hear and dispose of the case in the absence of the accused, the court shall not—

(a) permit any statement to be made by or on behalf of the complainant with respect to any facts relating to the offence charged other than the statement of facts referred to in subsection (1) (ii) except on a resumption of the hearing after an adjournment under section 57;

(b) without adjourning under that section order him to be subject to any disqualification.

(6) Where the court adjourns in pursuance of this section, notice of the adjournment shall be served on the accused and that notice shall specify the reason for the adjournment.

(7) The Lord Chancellor may by order provide that this section shall not apply in relation to such offences in addition to those specified in subsection (1) (a) and (b) as may be specified in the order, and an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

Proof of previous convictions.

37B. Where a person is convicted of an offence by a court of summary jurisdiction, other than a juvenile court, and it is proved to the satisfaction of the court, on oath or by affidavit or in the prescribed manner, that not less than seven days previously a notice was served on the accused in the prescribed form and manner specifying any alleged previous conviction of the accused of an offence proposed to be brought to the notice of the court in the event of his conviction of the offence charged, and the accused is not present in person before the court, the court may take account of any such previous conviction so specified as if the accused had appeared and admitted it.

Restrictions on passing sentence in the absence of the accused.

37C. A court of summary jurisdiction shall not in a person's absence sentence him to imprisonment or order his detention in a young offenders centre or make an order under section 19 of the Treatment of Offenders Act (Northern Ireland) 1968 that a suspended sentence or order for detention shall take effect.

Issue of warrant in absence of accused.

37D.—(1) Where a person has been convicted in his absence by a court of summary jurisdiction of an offence punishable with imprisonment and the court—

(a) cannot proceed in the absence of the accused by virtue of section 37C; or

(b) considers it undesirable by reason of the gravity of the offence to proceed in his absence;

the court may issue a warrant for his arrest.

(2) Subsection (1) shall not apply where a court adjourns on the occasion of a person's conviction in his absence under section 37A (2) except where that person fails to appear at the time and place appointed for the adjourned proceedings.

6. In section 42—

(a) at the beginning of subsection (3) insert “Subject to subsection (3A)”;

(b) after subsection (3) insert—

“(3A) The court may allow evidence to be given before it in the absence of the accused if the court considers that by reason of his disorderly conduct before the court it is not practicable for the evidence to be given in the presence of the accused.”.

7. In section 43—

(a) in subsections (1) and (2) after “person charged” insert “or any person with whom he is charged in the same proceedings”;

(b) after subsection (3) insert—

“(3A) Without prejudice to subsections (1), (2) and (3), a magistrates’ court may, if satisfied as mentioned in subsection (1), adjourn any preliminary investigation or preliminary enquiry of an indictable offence or any adjourned investigation or enquiry to another magistrates’ court having jurisdiction to conduct a preliminary investigation or, as the case may be, a preliminary enquiry into such an offence and in the case of an adjourned investigation or enquiry, the complaint and any depositions and recognizances already taken in, or notices and documents furnished in respect of, the matter shall be deemed for all purposes to have been made or taken by or before, or furnished to the clerk of, the last-mentioned court.”

8. In section 53 (4) for “two hundred pounds” substitute “£1,000”.

9. In section 54—

(a) in subsection (1) (a) after “acting” insert “or before any other magistrates’ court having jurisdiction to conduct the proceedings”;

(b) for subsection (2) substitute—

“(2) Subject to subsection (3) and section 56, the period for which the accused is remanded in custody shall not exceed—

(a) in the case where the accused is already detained under a custodial sentence, twenty-eight days;

(b) in any other case, eight days;

commencing on the day following that on which the accused is remanded, so, however, that in a case to which paragraph (a) applies, the court shall enquire as to the expected date of the accused’s release from that detention, and if it appears that he will be released before twenty-eight days have expired, he shall not be remanded in custody for a period exceeding eight days so commencing or (if longer) a period ending with that date.”;

(c) in subsection (3) after “custody” insert “under subsection (2) (b)”;

(d) after subsection (5) insert—

“(6) In this section, “custodial sentence” includes—

(a) an order for detention in a young offenders centre within the meaning of the Treatment of Offenders Act (Northern Ireland) 1968;

(b) a training school order within the meaning of the Children and Young Persons Act (Northern Ireland) 1968; and

(c) an order of committal to custody in a remand home within the meaning of the Children and Young Persons Act (Northern Ireland) 1968 where the committal is for more than one month by virtue of section 10 (2) of the Northern Ireland (Emergency Provisions) Act 1978.”

10. In section 57 for “twenty-one” substitute “twenty-eight”.

11. In section 58—

(a) in subsection (1) for “twenty-one” substitute “twenty-eight”;

(b) after subsection (2) insert—

“(2A) Where a person charged before a magistrates’ court with an indictable offence is remanded in custody or committed for trial in custody and the court is of opinion that an inquiry ought to be made into his physical or mental condition the court may order such inquiry to be made.”

12. In section 60 at the end add “, the expedience of allowing such amount to be paid by instalments and the amount and frequency of any such instalments”.

13. In section 61 (1) for “one hundred pounds” substitute “£200”.
14. In section 70 (1) for the words from the beginning to “court may” substitute “Where—
- (a) any person who has been taken into lawful custody is charged with an offence;
 - or
 - (b) any person not under the age of fourteen appears before a magistrates’ court to answer to a complaint charging an offence punishable with imprisonment; a magistrates’ court may”.
15. In section 101—
- (a) in subsection (1) for “or allow him time to pay it” substitute “, allow time for payment or order payment by instalments”;
 - (b) in subsection (2) for “fourteen” substitute “twenty-eight” and omit “after that”;
 - (c) for subsections (3) and (4) substitute—
 - “(3) Where the person ordered to pay the sum makes an application for permission to pay the sum by instalments the court shall allow such payment unless the court is satisfied that it would not be reasonable in all the circumstances to do so.
 - (4) The court may, on the application of the person ordered to pay the sum, allow further time for payment or vary an order for payment by instalments.
 - (4A) Subject to subsection (4C), the court may, in determining an application under subsection (4) remit the whole or any part of the sum if the court thinks it just to do so having regard to any change in the circumstances of that person since the conviction, and where the court remits part of the sum after a period of imprisonment has been imposed in default of payment, the court shall also reduce that period by an amount which bears the same proportion to that period as the amount remitted bears to that sum.
 - (4B) In calculating the reduction required under subsection (4A) any fraction of a day shall be left out of account.
 - (4C) In considering whether to remit under subsection (4A) the whole or any part of—
 - (a) a sum to which section 143 (3) of the Social Security (Northern Ireland) Act 1975 applies; or
 - (b) any compensation awarded to any person;
 a magistrates’ court shall take into account the representations (if any) made to it—
 - (i) in the case of a sum mentioned in paragraph (a), by the Department of Health and Social Services;
 - (ii) in the case of any compensation, by the person to whom the compensation was awarded.”.
16. In section 104 (1) for the words from the beginning to “of age” substitute “Where a person is allowed time for payment of a sum adjudged to be paid by a conviction or to pay such sum by instalments”.
17. In section 121 (1) for “ten pounds” substitute “£50”.
18. In section 127 (1) after “peace” insert “, clerk of petty sessions” and for “or document” substitute “, recognizance or other document”.
19. In section 128 (1) (b) omit “other”.
20. In section 131 (2) for “eight” substitute “twenty-eight”.

21. After section 133 insert—
 “Conditions on admission to bail. 133A. Without prejudice to any other power to impose conditions on admission to bail, a magistrates’ court may impose such conditions on admitting a person to bail as appear to the court to be likely to result in that person’s appearance at the time and place required or to be necessary in the interests of justice or for the prevention of crime.”
22. In section 134—
 (a) in subsection (1) after “person has” insert “entered into a recognizance to appear before a magistrates’ court or” and after “evading” insert “that appearance or”;
 (b) in subsection (2) after “until his” insert “next appearance before a magistrates’ court or his” and omit “in either event”.
23. In section 138 (2) at the end add “or remit payment of the amount due under the recognizance”.
24. In section 148 (1) (b) for the words from “unless” to the end of the paragraph substitute “if and when he is so directed by the Court of Appeal”.
25. In section 159 (4) for “lawfully issued for the arrest of any person” substitute “for the arrest of any person or any warrant of commitment lawfully issued” and after “person arrested” insert “or committed”.
26. In section 161 for “one month” substitute “three months” and for “ten pounds” substitute “£200 or may so commit such person and impose upon him such fine”.
27. After section 162 (1) insert—
 “(1A) Where a court of summary jurisdiction adjourns the hearing of a complaint any day on which a resident magistrate resumes the sitting to hear that complaint shall be deemed to be a day directed for the holding of petty sessions.”.
28. In section 163 for “prescribed” in both places where it occurs substitute “court”.
29. In Schedule 2, in Part II, in paragraph 5 for “section 12 of the Licensing Act 1872” substitute “Article 10 (1) and (2) of the Criminal Justice (Northern Ireland) Order 1980”.
30. In Schedule 3, in paragraph 10, for “£50” substitute “£1,000”.
31. In Schedule 4 in paragraph 1 for the words from “Table” in the second place where it occurs onwards substitute—

“TABLE

An amount not exceeding £25	7 days
An amount exceeding £25 but not exceeding £50	14 days
An amount exceeding £50 but not exceeding £200	30 days
An amount exceeding £200 but not exceeding £500	60 days
An amount exceeding £500 but not exceeding £1,000	90 days
An amount exceeding £1,000 but not exceeding £2,500	6 months
An amount exceeding £2,500 but not exceeding £5,000	9 months
An amount exceeding £5,000	12 months.”.

PART II

OTHER AMENDMENTS

The Criminal Justice Administration Act 1914 (c. 58)

32. For section 43 substitute—
 “Extent. 43.—(1) This Act, except sections 19 and 24 and this section, does not extend to Northern Ireland.
 (2) Section 12 of the Prisons Act 1898 shall extend to Northern Ireland.”.

The Criminal Evidence Act (Northern Ireland) 1923 (c. 9)

33. In Schedule 1 at the end add—

“S.I. 1980/ 704 (N.I. 6)	The Criminal Justice (Northern Ireland) Order 1980.	Article 9.”
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The Probation Act (Northern Ireland) 1950 (c. 7)

34. In section 1 (1) for “one year” substitute “six months”.

The Administration of Justice Act (Northern Ireland) 1954 (c. 9)

35. In section 20 (5) (ii) omit “United Kingdom” where it first occurs.

The Coroners Act (Northern Ireland) 1959 (c. 15)

36. In section 13—

(a) at the beginning insert “(1) Subject to subsection (2)”;

(b) at the end insert—

“(2) Where more than one death occurs as a result of any circumstances and it appears to any coroner who may hold an inquest into one of the deaths under subsection (1) that one inquest ought to be held into all the deaths so resulting he may—

(a) with the consent of any other coroner who may hold an inquest into one of the deaths, hold the inquest; or

(b) request that other coroner to hold the inquest.”.

37. In section 18 (1) omit paragraphs (a) and (d).

38. In section 26 for the words from “who” to “willing” substitute “employed by the Secretary of State under Article 11 of the Criminal Justice (Northern Ireland) Order 1980 or with whom the Secretary of State has entered into an arrangement under that Article for the provision of the practitioner’s services”.

39. In section 27—

(a) in subsection (1), omit “subject to subsection (2)”;

(b) omit subsection (2).

40. In section 28 (1) for the words from the beginning to “twenty-seven” substitute—

“(1) Where a coroner is satisfied that a post-mortem examination should be performed upon the body of a person into whose death he may conduct an inquest, the coroner may”.

41. In section 30 for “Department of Industrial and Forensic Science” substitute “Northern Ireland Forensic Science Laboratory”.

42. In section 36—

(a) in subsection (1) (b) omit “and post-mortem examinations”;

(b) in subsection (2)—

(i) in paragraph (a) omit “and to registered medical practitioners employed under section 27 (2)”;

(ii) omit paragraph (b).

The Trade Descriptions Act 1968 (c. 29)

43. In section 40 (1) (a) at the end add “and as if for the word ‘under’ there were substituted the words ‘under section 29 (1) of’ ”.

The Criminal Appeal Act (Northern Ireland) 1968 (c. 21)

44. In section 23, omit subsection (1).

45. In section 27, after “shall” insert “on request”.

46. In section 48A (5), for “the Master” substitute “the Master (Taxing Office)”.

The Treatment of Offenders Act (Northern Ireland) 1968 (c. 29)

47. In section 26 (2) after “a probation order” insert “, a community service order”.

The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)

48. In section 76 (7) for the words from “section 7 (2)” to “1870” substitute “Article 3 of the Criminal Justice (Northern Ireland) Order 1980”.

49. In Schedule 1 at the end add “Any offence under Article 9 of the Criminal Justice (Northern Ireland) Order 1980”.

The Medicines Act 1968 (c. 67)

50. In section 125 (3) for “under this Act” substitute “punishable under this Act upon summary conviction other than an offence which is also triable upon indictment”.

The Firearms Act (Northern Ireland) 1969 (c. 12)

51. In section 44 (4) after “this Act” insert “, other than under section 1 (1), 2 (1), (2), (3) or (4), 3 (1) or (3), 4 (1), 17, 18 (1), 19 (4) or (6), 19A, 36 or 46A (3) (a) or (b),”.

52. In section 45 (1) (a) for “or under section 12 (3) of the Licensing Act 1872” substitute “or under Article 10 (3) of the Criminal Justice (Northern Ireland) Order 1980”.

The Theft Act (Northern Ireland) 1969 (c. 16)

53. In section 27—

(a) in subsection (1)—

(i) after “stolen, and” insert “either”;

(ii) after “offence” insert “or a person is convicted of any other offence and such an offence as aforesaid is taken into consideration in determining his sentence”;

(iii) for paragraph (c) substitute—

“(c) the court may order that a sum not exceeding the value of the first-mentioned goods shall be paid, out of any money of the person convicted which was taken out of his possession on his apprehension, to any person who, if those goods were in the possession of the person convicted, would be entitled to recover them from him.”;

(b) in subsection (2) for “applicant for the orders” substitute “person in whose favour the orders are made”;

(c) in subsection (3)—

(i) omit “then, on the application of the purchaser or lender”;

(ii) for “applicant” in the first place where it occurs substitute “purchaser or lender”; in the second place where it occurs substitute “purchaser” and in the third place where it occurs substitute “lender”;

(d) in subsection (6) omit from “and references” to the end of the subsection.

The Road Traffic Act (Northern Ireland) 1970 (c. 2)

54. In section 75, omit subsection (5).

55. In section 121 (2) for “section 12 of the Licensing Act 1872” substitute “Article 10 of the Criminal Justice (Northern Ireland) Order 1980”.

56. In section 158 for “section 142, 143 or 150” substitute “section 142 (1) (a) or (b), 143 (1) (a) or (3) or 150 (1)”.

57. In section 170 (8) after the words “for the purpose of endorsement” insert “or on its production to comply with Article 8 (3) of the Criminal Justice (Northern Ireland) Order 1980 in the case of disqualification under that Article”.

The Police Act (Northern Ireland) 1970 (c. 9)

58. In section 15 (1) for "Parliament" substitute "the Parliament of the United Kingdom".

The Historic Monuments Act (Northern Ireland) 1971 (c. 17)

59. In section 23 (1) for "section 21" substitute "section 7 (6), 10 (1) or 21".

The Misuse of Drugs Act 1971 (c. 38)

60. In section 25 (6) after "under" insert "section 17 (3) of".

The Evidence of Alibi Act (Northern Ireland) 1972 (c. 6)

61. In section 1 (7) (a) after "to" insert "the prosecutor or".

The Vehicles (Excise) Act (Northern Ireland) 1972 (c. 10)

62. In section 28 (6) for "section 29" substitute "section 26 or 29".

63. After section 32 insert—

"Fixing of amount payable under s. 9 or plea of guilty by absent accused.

32A. Where in pursuance of section 37A (2) of the Magistrates' Courts Act (Northern Ireland) 1964 a person is convicted in his absence under section 8 and it is proved to the satisfaction of the court, on oath or by affidavit or in the manner prescribed by magistrates' courts rules, that there was served on the accused with the summons a notice stating that, in the event of his being convicted of the offence, it will be alleged that an order requiring him to pay an amount specified in the notice falls to be made by the court in pursuance of section 9 (1) then, unless in the notification purporting to be given by or on behalf of the accused in pursuance of section 37A (2) of that Act of 1964 it is stated that the amount so specified is inappropriate, the court shall proceed in pursuance of section 9 (1) as if that amount had been calculated as required by that subsection."

The Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972 (c. 11)

64. In section 61 (1) after "this Act" insert ", other than under section 4, 7 or 70,".

The Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1))

65. In that Order for the words "transferred provision" wherever they occur substitute "statutory provision".

66. In Article 2 (2) omit the definition of "transferred provision".

67. In Article 7 (1)—

(a) in the definition of "consent provision"—

(i) after "Attorney General" insert "or the Director";

(ii) omit from "but does not" onwards;

(b) after the definition of "consent provision" insert—

"relevant consent provision" means—

(a) any enactment of the Parliament of Northern Ireland whereby the consent of the Attorney General is required (whether by itself or as an alternative to the consent of any other authority or person) to the initiation or carrying on of proceedings for an offence;

(b) any enactment of the Parliament of the United Kingdom whereby—

(i) in Northern Ireland, the consent of the Attorney General is required (whether by itself or as an alternative to the consent of any other authority or person) to the initiation or carrying on of proceedings for an offence; but

- (ii) in England and Wales, the consent of the Director of Public Prosecutions for England and Wales is required (whether by itself or as an alternative to the consent of any other authority or person) to the initiation or carrying on of proceedings for the like offence.”.

68. In Article 7 (2) for “consent provision” substitute “relevant consent provision”.

The Administration of Justice Act 1973 (c. 15)

69. In section 18 (2) for “Ministry of Home Affairs for Northern Ireland” substitute “Secretary of State”.

The Fair Trading Act 1973 (c. 41)

70. In section 129 (4) at the end add “and as if in that subsection for the words ‘an offence under this Act’ there were substituted the words ‘an offence under section 30 (1) or 46 (2) of this Act’ ”.

The Juries (Northern Ireland) Order 1974

(S.I. 1974/2143 (N.I. 6))

71. In Article 2 (2), in the definition of “division” at the end add “or such county court divisions or part thereof as may be prescribed”.

The Social Security (Northern Ireland) Act 1975 (c. 15)

72. In section 143 at the end add—

“(7) Where in Northern Ireland a person charged with an offence to which section 141 (1) or (2) (a) applies is convicted of that offence in his absence under section 37A (2) of the Magistrates’ Courts Act (Northern Ireland) 1964, then if—

- (a) it is proved to the satisfaction of the court, on oath or by affidavit or in the prescribed manner, that notice under section 142 (2) above has been duly served specifying the other contributions in respect of which the complainant intends to give evidence; and
- (b) the clerk of petty sessions has received a statement in writing purporting to be made by the accused or by a solicitor acting on his behalf to the effect that if the accused is convicted in his absence of the offence charged he desires to admit failing to pay the other contributions so specified or any of them,

section 142 shall have effect as if the evidence had been given and the failure so admitted had been proved, and the court shall proceed accordingly.

In this subsection “prescribed” means prescribed by magistrates’ courts rules made under Part IV of that Act of 1964.”.

The Administration of Justice (Northern Ireland) Order 1975

(S.I. 1975/816 (N.I. 7))

73. For Article 12 substitute—

“Clerks of petty sessions

12 (1) Notwithstanding anything in section 6 (1) of the Magistrates’ Courts Act (Northern Ireland) 1964 or any other statutory provision, a clerk of petty sessions may exercise the functions of a justice of the peace relating to the making of complaints, other than complaints on oath, under any statutory provision providing for complaints to be made to a justice of the peace or authorising a justice of the peace to issue summonses; and any statutory provision or rule of law regulating, or relating to, the making of complaints, other than complaints on oath, to, or the issuing of summonses by, a justice of the peace shall apply by virtue of this paragraph in relation to the making of such complaints to, or the issuing of summonses by, a clerk of petty sessions as if he were a justice of the peace.

(2) Notwithstanding anything in section 30 of that Act of 1964 or any other statutory provision, nothing in this Article shall enable an assistant or deputy clerk of petty sessions to exercise the functions of a justice of the peace under any statutory provision providing for complaints to be made to a justice of the peace or authorising a justice of the peace to issue summonses.”.

The Treatment of Offenders (Northern Ireland) Order 1976
(S.I. 1976/226 (N.I. 4))

74. In Article 3 (4) for “referred to in paragraph (3) (a) (ii)” substitute “between that date and the date on which any sentence of imprisonment or term of detention referred to in paragraph (1) would have expired in his case but for his discharge in pursuance of prison rules”.

75. In Article 7 (10) for the words from “section 4” to “1964 or” substitute “Article 3, 7 or 8 of the Criminal Justice (Northern Ireland) Order 1980, or under”.

76. In Article 8 (2) at the end add “; but, unless revoked, the order shall remain in force until the offender has worked under it for the number of hours specified in it”.

77. In Article 10—

(a) after paragraph (2) insert—

“(2A) Where such an order is in force in respect of an offender who is convicted by a magistrates’ court of an offence punishable with imprisonment and it appears, that, having regard to the circumstances which have arisen since the order was made, it would be in the interests of justice that the order should be revoked or that the offender should be dealt with in some other manner for the offence in respect of which the order was made, the court may—

(a) if the order was made by a magistrates’ court, revoke the order or revoke it and deal with the offender for that offence in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made;

(b) if the order was made by a Crown Court, commit him to custody or release him on bail until he can be brought or appear before the Crown Court;

and where the court deals with his case under sub-paragraph (b) it shall send to the Crown Court such particulars of his case as may be prescribed by magistrates’ courts rules.”;

(b) in paragraph (3) for the words from the beginning to “appears to the court” substitute—

“(3) Where an offender in respect of whom such an order is in force—

(a) is convicted of an offence before the Crown Court; or

(b) by virtue of paragraph (2) (b) or (2A) (b) is brought or appears before the Crown Court,

and it appears to the Crown Court”;

(c) in paragraph (4) after “(2) (a)” insert “, (2A) (a)”.

78. In Article 15—

(a) in paragraph (1) after “centre on” insert “, or make a training school order with respect to, ”;

(b) in paragraph (4) (b) after “imprisonment” insert “or order for detention in a young offenders centre”.

The Births and Deaths Registration (Northern Ireland)
Order 1976 (S.I. 1976/1041 (N.I. 14))

79. In Article 46 after “under” insert “Article 9 (2), 30 (3), 43, 44 or 45 of”.

The Police (Northern Ireland) Order 1977
(S.I. 1977/53 (N.I. 2))

80. In paragraph 9 of the Schedule—

- (a) in sub-paragraph (1) for “(Northern Ireland) Order” substitute “Act” and for “Order” substitute “Act”;
- (b) in sub-paragraph (2) for “Order” substitute “Act”.

The Judicature (Northern Ireland) Act 1978 (c. 23)

81. In Part II of Schedule 5, in the entry relating to Article 2 (2) of the Juries (Northern Ireland) Order 1974, make the amendment of that Article specified in paragraph 71 above.

The Companies (Northern Ireland) Order 1978
(S.I. 1978/1042 (N.I. 12))

82. In Article 149 (3) for “a summary offence under the Companies Acts” substitute “an offence punishable under the Companies Acts upon summary conviction other than an offence which is also triable upon indictment”.

The Customs and Excise Management Act 1979 (c. 2)

83. In Schedule 1, in paragraph 2 omit “in Great Britain” and sub-paragraph (b).

Article 13.

SCHEDULE 2

REPEALS

Chapter or Number	Short Title	Extent of Repeal
6 & 7 Will. 4 c. 13.	The Constabulary (Ireland) Act 1836.	In section 25 the words from “to be recovered” to “offender” and the words from “before two” onwards.
9 & 10 Vict. c. 111.	The Ejectment and Distress (Ireland) Act 1846.	Section 19 In Schedule B, the two Forms.
11 & 12 Vict. c. 43.	The Summary Jurisdiction Act 1848.	The whole Act.
24 & 25 Vict. c. 100.	The Offences against the Person Act 1861.	In section 53 the word “allure” and the words from “and who-soever shall be convicted” to the end of the section. Sections 64, 65, 68 and 71 in so far as they relate to offences mentioned in sections 48 to 55.
33 & 34 Vict. c. 23.	The Forfeiture Act 1870.	Section 4.
35 & 36 Vict. c. 94.	The Licensing Act 1872.	The whole Act.
1950 c. 7.	The Probation Act (Northern Ireland) 1950.	Section 7 (2) and (3).
1954 c. 9.	The Administration of Justice Act (Northern Ireland) 1954.	In section 20 (5) (ii) the words “United Kingdom” where they first occur.

Chapter or Number	Short Title	Extent of Repeal
1955 c. 27.	The Road Traffic Act (Northern Ireland) 1955.	Section 55.
1959 c. 15.	The Coroners Act (Northern Ireland) 1959.	In section 18 (1), paragraphs (a) and (d). In section 27 (1) the words "subject to subsection (2)". Section 27 (2). In section 36, in subsection (1) (b) the words "and post-mortem examinations"; in subsection (2), in paragraph (1) the words "and to registered medical practitioners employed under section 27 (2)" and paragraph (b).
1964 c. 21.	The Magistrates' Courts Act (Northern Ireland) 1964.	Sections 59 (2) and 63. In section 101 (2) the words "after that". In section 128 (1) (b) the word "other". In section 134 (2) the words "in either event". In section 140 (4) the words "or ordered under section 7 (2) of that Act to pay damages for injury or compensation for loss".
1966 c. 41.	The Industrial Investment (General Assistance) Act (Northern Ireland) 1966.	Section 10 (10).
1967 c. 18.	The Criminal Law Act (Northern Ireland) 1967.	Section 10 (4). In Schedule 1, paragraphs 17, 18 and 23.
1968 c. 21.	The Criminal Appeal Act (Northern Ireland) 1968	Section 23 (1).
1968 c. 29.	The Treatment of Offenders Act (Northern Ireland) 1968.	In Schedule 3, Part III, the entry relating to section 7 (3) of the Probation Act (Northern Ireland) 1950.
1968 c. 34.	The Children and Young Persons Act (Northern Ireland) 1968.	In section 143 (8) the words from "and where" to the end of the subsection.
1969 c. 16.	The Theft Act (Northern Ireland) 1969.	In section 27, in subsection (3) the words "then, on the application of the purchaser or lender" and in subsection (6) the words from "and references" to the end of the subsection.

Chapter or Number	Short Title	Extent of Repeal
1970 c. 2.	The Road Traffic Act (Northern Ireland) 1970.	Sections 75 (5) and 180.
1971 c. 13.	The Licensing Act (Northern Ireland) 1971.	In Schedule 10, in Part II, paragraphs 10 and 18.
1971 c. 70.	The Hijacking Act 1971.	Section 5 (1B).
1972 c. 4.	The Fish Industry Act (Northern Ireland) 1972.	Section 7 (10) and (11).
1972 c. 63.	The Industry Act 1972.	In Schedule 1, in paragraph 4, sub-paragraph (4) and, in sub-paragraph (5), the words "or the Director of Public Prosecutions for Northern Ireland".
S.I. 1972/538 (N.I. 1).	The Prosecution of Offences (Northern Ireland) Order 1972.	In Article 2 (2) the definition of "transferred provision". In Article 7 (1), the words from "but does not" onwards.
1973 c. 43.	The Hallmarking Act 1973.	In Schedule 3, paragraph 2 (4).
1973 c. 47.	The Protection of Aircraft Act 1973.	Sections 4 (4) and 6 (2).
1975 c. 59.	The Criminal Jurisdiction Act 1975.	Section 11 (2).
S.I. 1977/426 (N.I. 4).	The Criminal Damage (Northern Ireland) Order 1977.	Article 10.
1978 c. 5.	The Northern Ireland (Emergency Provisions) Act 1978.	Section 29 (2).
S.I. 1978/1049 (N.I. 19).	The Pollution Control and Local Government (Northern Ireland) Order 1978.	In Article 84 (3) the words "5 (2) or (3), 18 (2)," and sub-paragraph (a).
S.I. 1978/1051 (N.I. 21).	The Roads and Road Traffic (Northern Ireland) Order 1978.	In Schedule 2, in paragraph 8, the words "75 (5) and".
1979 c. 2.	The Customs and Excise Management Act 1979.	In Schedule 1, in paragraph 2 the words "in Great Britain" and sub-paragraph (b).
S.I. 1979/1714 (N.I. 19.).	The Perjury (Northern Ireland) Order 1979.	Article 16.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision, with respect to the methods of dealing with offenders, for—

- (a) compensation orders;
- (b) restitution orders;
- (c) depriving offenders of property used for purposes of crime; and
- (d) disqualification from driving where vehicle is used for purposes of crime.

The Order makes it an offence to incite a girl under sixteen to have incestuous sexual intercourse and re-enacts the offence of being drunk in any road or other public place.

The Order makes provision for the employment by the Secretary of State of registered medical practitioners for post-mortem examinations.

The Order makes provision to enable an accused to plead guilty without appearing before a court of summary jurisdiction, makes other amendments to the law relating to magistrates' courts and to the statutory provisions relating to coroners, the treatment of offenders, juries, the police and vehicles excise and brings Northern Ireland into line with Great Britain with respect to Class C drugs under the Customs and Excise Management Act 1979.

STATUTORY INSTRUMENTS

1980 No. 704 (N.I. 6)

NORTHERN IRELAND

The Criminal Justice (Northern Ireland) Order 1980

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