

## STATUTORY INSTRUMENTS

# 1988 No. 1846

## The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988

### Transfer of serious fraud cases to Crown Court

#### Notices of transfer and designated authorities

3.—(1) If—

- (a) a person has been charged with an indictable offence; and
- (b) in the opinion of an authority designated by paragraph (2) or of one of such an authority's officers acting on the authority's behalf the evidence of the offence charged—
  - (i) would be sufficient for the person charged to be committed for trial; and
  - (ii) reveals a case of fraud of such [<sup>F1</sup>seriousness or complexity] that it is appropriate that the management of the case should without delay be taken over by the Crown Court; and
- (c) before the magistrates' court in whose jurisdiction the offence has been committed—

<sup>F2</sup>(i) . . . . .

(ii) has begun to conduct a preliminary inquiry,

the authority or one of the authority's officers acting on the authority's behalf gives the court a notice (in this Order referred to as a notice of transfer ) certifying that opinion,

the functions of the magistrates' court shall cease in relation to the case, except as provided by Article 4(3) and (6) of this Order and by [<sup>F3</sup>any regulations under Article 26(3) of the Access to Justice (Northern Ireland) Order 2003] .

(2) The authorities mentioned in paragraph (1) (in this Order referred to as designated authorities ) are—

- (a) the Director of Public Prosecutions for Northern Ireland;
- (b) the Director of the Serious Fraud Office;
- (c) the Commissioners of Inland Revenue;
- (d) the Commissioners of Customs and Excise; and
- (e) the Secretary of State.

(3) A designated authority's decision to give notice of transfer shall not be subject to appeal or liable to be questioned in any court.

**F1** Words in art. 3(1)(b)(ii) substituted (4.7.1996 with application as mentioned in [Sch. 3 para. 8](#) of the amending Act) by [Criminal Procedure and Investigations Act 1996 \(c. 25\)](#), s. 72, [Sch. 3 para. 2](#) (as modified in its application to Northern Ireland by [Sch. 4 para. 35](#))

**F2** [Art. 3\(1\)\(c\)\(i\)](#) repealed (17.10.2022) by [Criminal Justice \(Committal Reform\) Act \(Northern Ireland\) 2022 \(c. 4\)](#), s. 5(2), [Sch. para. 10](#); S.R. 2022/221, art. 2(d)

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**Changes to legislation:** *The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988, Section 3 is up to date with all changes known to be in force on or before 23 January 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](#)*

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**F3** Words in art. 3(1) substituted (1.4.2015) by [Access to Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435\)](#), art. 49(1), **Sch. 4 para. 9(2)**; S.R. 2015/194, art. 2, Sch. (with art. 3)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- [art. 3\(1\)\(b\)](#) words inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 4](#)

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

- Act amended by [1996 c. 25 s.79Sch 4 para.35](#)
- Act amended by [1996 c. 25 s.79Sch 4 para.35](#)
- Act rev.in pt. by [1996 c. 25 s. 72Sch.3 s.79Sch.4 para.36](#)
- Act rev.in pt. by [1996 c. 25 s. 72Sch.3 s.79Sch.4 para.36](#)
- Act rev.in pt. (prosp.) by [1996 c. 25 ss.7479Sch.4 para.36](#)
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