

STATUTORY INSTRUMENTS

1988 No. 1846

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

Preparatory hearings

[^{F1}Later stages of trial

^{F2}9.—(1) Any party may depart from the case he disclosed in pursuance of a requirement imposed under Article 8.

(2) Where—

- (a) a party departs from the case he disclosed in pursuance of a requirement imposed under Article 8, or
- (b) a party fails to comply with such a requirement,

the judge or, with the leave of the judge, any other party may make such comment as appears to the judge or the other party (as the case may be) to be appropriate and the jury [^{F3}or, in the case of a trial without a jury, the judge] may draw such inference as appears proper.

(3) In [^{F4}doing anything under paragraph (2) or in deciding whether to do anything under it] the judge shall have regard—

- (a) to the extent of the departure or failure, and
- (b) to whether there is any justification for it.

(4) [^{F5}Except as provided by this Article, in the case of a trial with a jury] no part—

- (a) of a statement given under Article 8(5), or
- (b) of any other information relating to the case for the accused or, if there is more than one, the case for any of them, which was given in pursuance of a requirement imposed under Article 8,

may be disclosed at a stage in the trial after the jury have been sworn without the consent of the accused concerned.]

F1 Art. 9 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. 6 (as modified in its application to Northern Ireland by Sch. 4 para. 35)

F2 Art. 9 (as originally enacted) amended (8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336(3), Sch. 36 para. 59; S.I. 2006/3422, art. 2(b)(c)

F3 Words in art. 9(2) (as substituted by Criminal Procedure and Investigations Act 1996 (c. 25), Sch. 3 para. 6) inserted (8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336(3), Sch. 36 para. 60(2); S.I. 2006/3422, art. 2(b)(c)

F4 Words in art. 9(3) (as substituted by Criminal Procedure and Investigations Act 1996 (c. 25), Sch. 3 para. 6) substituted (8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336(3), Sch. 36 para. 60(3); S.I. 2006/3422, art. 2(b)(c)

Changes to legislation: *The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988, Section 9 is up to date with all changes known to be in force on or before 21 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](#)*

F5 Words in art. 9(4) (as substituted by [Criminal Procedure and Investigations Act 1996 \(c. 25\), Sch. 3 para. 6](#)) substituted (8.1.2007) by [Criminal Justice Act 2003 \(c. 44\), ss. 331, 336\(3\), Sch. 36 para. 60\(4\)](#); S.I. 2006/3422, **art. 2(b)(c)**

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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](#)
- Act rev.in pt. (prosp.) by [1996 c. 25 ss.7479Sch.4 para.36](#)