
STATUTORY INSTRUMENTS

1995 No. 2994

The Road Traffic (Northern Ireland) Order 1995

PART IV

Miscellaneous Amendments of the Order of 1981

Power to join in indictment counts for certain summary offences

102. After Article 193 of the Order of 1981 there shall be inserted the following Article—

“Power to join in indictment counts for certain summary offences

193A.—(1) A count charging a person with a summary offence to which this Article applies may be included in an indictment if the charge—

- (a) is founded on the same facts or evidence as a count charging an indictable offence; or
- (b) is part of a series of offences of the same or similar character as an indictable offence which is also charged,

but only if (in either case) the facts or evidence relating to the offence were disclosed in a preliminary investigation or inquiry under the Magistrates' Courts (Northern Ireland) Order 1981(1).

(2) Where a count charging an offence to which this Article applies is included in an indictment, the offence shall be tried in the same manner as if it were an indictable offence; but the Crown Court may only deal with the offender in respect of it in a manner in which a court of summary jurisdiction could have dealt with him.

(3) This Article applies to the following offences, namely—

- (a) an offence under paragraph (1) or (2) of Article 15 of the Order of 1995 (driving or attempting to drive, or being in charge of, a mechanically propelled vehicle when under influence of drink or drugs);
- (b) an offence under sub-paragraph (1)(a) or (b) of Article 16 of that Order (driving or attempting to drive, or being in charge of, a motor vehicle with alcohol concentration above prescribed limit);
- (c) an offence under Article 18 of that Order (failing to provide specimen for analysis or laboratory test); and
- (d) any summary offence specified under paragraph (4).

(4) The Secretary of State may by order specify for the purposes of this Article any summary offence—

- (a) which is mentioned in Schedule 4 to this Order or Schedule 2 to the Order of 1995, and

(b) which is punishable with imprisonment.

(5) For the purposes of this Article statements in writing admitted in evidence under Article 33 of the Magistrates' Courts (Northern Ireland) Order 1981 shall be treated as depositions taken in the presence of the accused before the magistrates' court which committed him for trial.

(6) An order made under paragraph (4) 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⁽²⁾ shall apply accordingly.

(7) In this Article "summary offence" means an offence which, if committed by an adult, is punishable only on summary conviction."