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STATUTORY INSTRUMENTS

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**1996 No. 3160**

**The Criminal Justice (Northern Ireland) Order 1996**

**PART IV**

**COURSE OF JUSTICE: EVIDENCE, PROCEDURE, ETC.**

*Advance information*

**Rules as to furnishing of information by prosecution in criminal cases**

**52.**—(1) Magistrates' courts rules may make, with respect to proceedings against any person for a prescribed offence or an offence of any prescribed class, provision—

- (a) subject to paragraph (4), for requiring the prosecution to do such things as may be prescribed for the purpose of securing that the accused or a person representing him is furnished with, or can obtain, advance information concerning all, or any prescribed class of, the facts and matters of which the prosecution proposes to adduce evidence; and
- (b) for requiring a magistrates' court, if satisfied that any requirement imposed under subparagraph (a) has not been complied with, to adjourn the proceedings pending compliance with that requirement unless the court is satisfied that the conduct of the case for the accused will not be substantially prejudiced by non-compliance with the requirement.

(2) Rules made under paragraph (1)(a)—

- (a) may require the prosecution to do as provided in the rules either—
  - (i) in all cases; or
  - (ii) only if so requested by or on behalf of the accused; and
- (b) may exempt facts and matters of any prescribed description from any requirement imposed by the rules, and may make the opinion of the prosecution material for the purposes of any such exemption.

(3) It shall not be open to a person convicted of an offence to appeal against the conviction on the ground that a requirement imposed by virtue of paragraph (1) was not complied with by the prosecution.

(4) For the purposes of paragraph (1)(a), a written statement tendered, or proposed to be tendered, in evidence under section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (proof by written statement) shall constitute advance information of that statement.

(5) In this Article “prescribed” means prescribed by magistrates' courts rules.